

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS THE DULY CONSTITUTED ELECTORAL BOARD**

Objections of: Patrick O'Reilly)	
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)	
To the Nomination)	No. 10-EB-RGA-02
Papers of: Robert Martinez)	
)	
)	
Candidate for the office of Representative)	
in the General Assembly, 2nd)	
Representative District, State of Illinois,)	
Democratic Party)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of Patrick O'Reilly ("Objector") to the nomination papers ("Nomination Papers") of Robert Martinez, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 2nd Representative District, State of Illinois ("Candidate"), having convened on November 16, 2009, at 10:00 a.m., at 69 W. Washington Street, 8th Floor Conference Room, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.

2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing held on these Objections commenced on November 16, 2009 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Frank A. Tedesso for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Officer for a hearing on the date and at the time designated on the Electoral Board's Initial Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, Patrick O'Reilly, appearing by counsel, Michael J. Kasper; and the Candidate, Robert Martinez, appearing by counsel, Frank Avila.

7. The Hearing Officer ordered that an examination of the registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during the records examination.

9. The Candidate or his duly authorized representative(s) were present during the examination of the registration records.

10. The Objector or his duly authorized representative(s) were present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the results of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

12. The Electoral Board has considered all evidence and arguments tendered by the parties, as well as the report and recommended findings and conclusions of law of the Hearing Officer.

13. The Electoral Board finds that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 1,094;

C. The number of signatures deemed invalid because of objections sustained total 526;

D. The remaining number of signatures deemed valid total 568;

14. The Hearing Officer denied the Candidate's motion to strike and dismiss the Objector's Petition on the grounds that the motion did not challenge the legal sufficiency of the Objector's Petition and the results of the Rule 6 records examination sustaining objections to 526 signatures did not indicate that the Objector's Petition was a "shot gun" petition.

15. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the official ballot as a candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 2nd Representative District, State of Illinois.

16. The Electoral Board finds, therefore, that the Objector's Petition is sustained in part and overruled in part as more fully indicated in the results of the records examination.

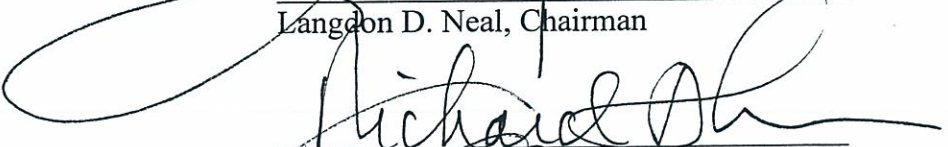
17. For the reasons stated above, the Electoral Board finds that the Nomination Papers of Robert Martinez are valid.

IT IS THEREFORE ORDERED that the Objections of Patrick O'Reilly to the Nomination Papers of Robert Martinez, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 2nd Representative District, State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Robert Martinez, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly, 2nd Representative District, State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on February 2, 2010.

Dated: Chicago, Illinois, on December 1, 2009.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. Hernandez, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 10 days after the decision of the Electoral Board.