



Intra-Agency Memorandum

TO: Legal Unit

DATE: February 18, 2025

SUBJECT: Standards for reviewing 7-09 petitions

After a campaign submits a 7-09 petition seeking reconsideration of a payment determination, CFB staff counsel must first conduct a “threshold review” of the petition to determine whether it is “moot, facially meritless, or not in substantial compliance with the requirements of” Rule 7-09. After completion of the threshold review, the 7-09 petition will be (1) rejected or (2) submitted to the Board for consideration.

Standard of Review

The criteria for rejection of a 7-09 petition by CFB staff counsel are as follows:

1. **Moot.** If the 7-09 petition is submitted within 5 business days of the date of the next payment date, after the date of the next payment, or more than 30 days after the payment determination, it will be deemed moot.
2. **Facially meritless.** If the 7-09 petition fails to raise any issues of fact or law which could result in a reversal of the payment determination,¹ it will be deemed facially meritless.
3. **Not in substantial compliance.** If the 7-09 petition does not include:
 - a. one or more specific grounds for reconsideration of the payment determination;
 - b. a request to appear before the Board or a waiver of that right;
 - c. or an explanation of the good cause for a failure to provide any documentation or factual information included in the petition to the Board prior to the payment determination,

it will be deemed not in substantial compliance with the requirements of Rule 7-09.

¹ See Board Rule § 7-09(b) (“To be considered by the Board, a petition for review of a pre-election payment or non-payment determination must not include any documentation or factual information not submitted to the Board prior to the determination under review, unless the participating candidate can demonstrate good cause for the previous failure to submit such documentation or information and for any failure to communicate on a timely basis with the Board.”)