



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 21, 2019

Bill Nibbelink, Treasurer  
South Dakota Democratic Party Committee  
PO Box 1485  
Sioux Falls, SD 57101

**Response Due Date**  
**November 11, 2019**

Re: ADR 935 (RAD 19L-31)  
South Dakota Democratic Party Committee and Bill Nibbelink, Treasurer

Dear Bill Nibbelink:

The Federal Election Commission (FEC or Commission) referred a compliance issue to the FEC's Alternative Dispute Resolution Office (ADR Office) for processing. The referral by the Reports Analysis Division (RAD) was based on a review of reports filed by South Dakota Democratic Party Committee which reflect a possible failure to comply with the Federal Election Campaign Act of 1971, as amended.

The FEC established the ADR Program to provide an informal means for resolving matters that come before the Commission and to facilitate negotiations directly with South Dakota Democratic Party Committee and Bill Nibbelink, Treasurer (Respondents or the Committee). The ADR Program provides Respondents with an opportunity to negotiate settlement of a matter that is mutually agreeable. The negotiations occur prior to any Commission consideration of whether there is reason to believe a violation has occurred. If negotiations are successful, the resulting settlement would conclude the matter.

The Commission, in referring the matter to the ADR Office, determined that the case is eligible for processing in the ADR program. If Respondents decide to participate in the ADR Program, you must: 1) indicate in writing a willingness to have your case submitted for ADR processing; 2) agree to participate in the bilateral interest based negotiations; and 3) waive the statute of limitations while the matter is being processed under the FEC's ADR program.

The issues referred to the ADRO, and the focus of our subsequent negotiations are summarized as follows:

RAD referred Respondents for a series of reporting errors and other FECA violations during the 2017-2018 election cycle. A political committee may be referred if, after an internal review of reports filed by the committee, the

Commission determines the reports do not meet the threshold requirements for substantial compliance with the FECA. The Committee's errors included, among other items: excessive, prohibited and other impermissible contributions or transfers, mathematical discrepancies, failure to provide supporting schedules, failure to properly itemize disbursements, and allocated federal and non-federal activity.

If after reviewing this letter and the enclosed ADR Frequently Asked Questions, which describe the ADR program, Respondent(s) would like to participate in ADR processing, you need to affirmatively indicate that on the enclosed Commitment to Submit Matter to ADR form. **Failure to respond affirmatively within fifteen (15) business days from the date of this letter (November 5, 2019) will be taken as a notice of disinterest in the program and your case will be dropped from further consideration for ADR.** In that event, your case will be sent to the FEC's Office of General Counsel for further processing, and the likelihood that the Committee will be audited during the next election cycle will increase.

This matter has been designated as **ADR 935**. Please refer to this number in future correspondence with the FEC. If you have questions about the ADR Program, please contact the ADRO at my direct dial as indicated below

Sincerely,

*Rosa Marshall*

Rosa Marshall  
Assistant Director  
Alternative Dispute Resolution Office