



South Dakota's Open Meetings Laws

August 26, 2026

South Dakota's Open Meetings Laws

Key 2026 Statutory Changes

Effective July 1, 2026, two bills will amend South Dakota's Open Meetings Laws:

- **Senate Bill 46**, entitled “An Act to modify the requirements for open meeting agendas and provide a penalty therefor[,]” was signed by Governor Rhoden on February 13, 2026, and now requires agendas to list every item the public body plans to discuss and to describe each item in sufficient detail to “reasonably inform the public” about the official business or public policy to be discussed. Failure to do so is a Class 2 misdemeanor.



South Dakota's Open Meetings Laws

Key 2026 Statutory Changes

Effective July 1, 2026, two bills will amend South Dakota's Open Meetings Laws:

- **Senate Bill 47**, entitled “An Act to revise the requirements for executive sessions and closed meetings,” was signed by Governor Rhoden on February 13, 2026, and now imposes stricter rules for entering executive sessions and closed meetings. It requires a majority vote (with a roll call if not unanimous), a motion citing the legal basis, and recording the vote in the minutes. Discussion must remain on the stated topic, and any official decisions must still be made in an open meeting. Violations remain a Class 2 misdemeanor.



South Dakota's Open Meetings Laws

Goals

South Dakota's open meeting laws can be found in SDCL ch. 1-25. Our goals for today's presentation are to help you:

- Understand the purpose and scope of South Dakota's Open Meetings Laws
- Learn your responsibilities as a council member
- Explore real-world scenarios and compliance tips



South Dakota's Open Meetings Laws

Why Open Meetings Matter

South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government.



**PROMOTES
TRANSPARENCY AND
ACCOUNTABILITY**



BUILDS PUBLIC TRUST



**ENCOURAGES CIVIC
ENGAGEMENT**



South Dakota's Open Meetings Laws

Who Must Comply

The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). In summary:

- All public bodies of the state and its political subdivisions
- Includes boards, commissioners, school boards, and appointed bodies with sovereign power



South Dakota's Open Meetings Laws

What Counts as a Meeting?

An official meeting is:

“Any meeting of a quorum of a public body at which official business or public policy of that body is discussed or decided ... whether in person or by means of teleconference or electronic means.” SDCL 1-25-12(1).

In simple terms:

- A quorum is present
- Public business is discussed or decided
- Includes in-person, teleconference, or electronic communication



South Dakota's Open Meetings Laws

What Counts as a Meeting?

Would the following be considered an official meeting under South Dakota law?

- A quorum of the board attends a community lunch and discusses upcoming agenda items
- Several members attend a high school football game and casually talk about budget priorities
- A quorum attends a press conference but does not discuss board business
- Three board members email back and forth about a proposed policy change



South Dakota's Open Meetings Laws

Electronic Means Included

The definition of an official meeting found in SDCL 1-25-12(1) specifically recognizes “electronic means,” which is defined to include:

- Email
- Instant messaging
- Social media
- Text messaging
- Virtual meeting platforms

Communications for scheduling purposes are excluded.



South Dakota's Open Meetings Laws

Notice Requirements

“Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible, [...] by posting a copy of the notice, [...]” at the office of the political subdivision and website, if it exists. SDCL 1-25-1.1 Emergencies may allow for short notice, but that’s the exception—not the rule.

- 24-hour notice for political subdivisions
- 72-hour notice for state agencies (excluding weekends/holidays)
- Post at office and on website



South Dakota's Open Meetings Laws

Public Participation

Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1.

- Public comment required at every official meeting
- Exceptions: executive sessions, inaugurations, annual reports
- Time limits allowed



South Dakota's Open Meetings Laws

Executive Sessions

Meetings can be closed for specific reasons, such as:

- Personnel matters
- Legal consultations
- Contract negotiations
- Student issues
- Public safety and emergency planning

Remember: No official action can be taken in executive session. All decisions must be made in open session.



South Dakota's Open Meetings Laws

Meeting Materials & Minutes

Transparency includes documentation.

- Materials must be posted or available 24 hours in advance
- Draft minutes must be available within 10 business days (or 5 if recorded)



South Dakota's Open Meetings Laws

Meeting Materials & Minutes

Violations can result in:

- A Class 2 misdemeanor (up to 30 days in jail or a \$500 fine)
- A public reprimand by the Open Meetings Commission (OMC)

Improperly closed meetings or unposted agendas can also render decisions null and void.



South Dakota's Open Meetings Laws

Open Meetings Commission

The Open Meetings Commission is the key accountability mechanism. Their decisions are public and binding.

- Reviews complaints referred by State's Attorneys
- Issues public findings and reprimands

The Open Meetings Commission reviews the case and issues a public decision. If a violation is found, a public reprimand is issued, but no further prosecution is allowed.



South Dakota's Open Meetings Laws

Annual Review Requirement

Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

Resources:

A guide to South Dakota's Open Meetings Laws (Revised 2026) (provided).

[OpenMeetingsLaw_2026_PRINTABLE.indd](#)

Attorney General Website:

[South Dakota Attorney General](#)



South Dakota's Open Meetings Laws

Thank You

Transparency protects you and builds trust. These laws are here to help—not hinder—your work.

- When in doubt, open it up
- Post notices and materials on time
- Use executive sessions properly
- Document everything

