



South Dakota's Open Meetings Laws

November 13, 2025

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**



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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



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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



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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



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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.



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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



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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



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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.



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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)



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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.



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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.



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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 2025) (provided).

[OpenMeetingsLaw_2025.indd](#)

Attorney General Website:

[South Dakota Attorney General](#)



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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

Open government is not just a requirement—it's a safeguard.

