

SOUTH DAKOTA'S OPEN MEETINGS LAWS

South Dakota Codified Law (SDCL) 1-25
requires official meetings of public bodies be
public and advance notice is provided.

WHO IS COVERED?

- All public bodies of the state (departments, boards, commissions)
 - This Includes the BVR & SILC
- And political subdivisions
 - Includes cities, counties, school boards, townships, appointed boards (library, zoning boards)
- Excludes advisory bodies

WHAT IS A MEETING?

An official meeting includes:

- Quorum of the public body
- Discussion or decisions of public business
- In-person meetings or meetings conducted via electronic means (email, social media, Zoom, teleconference)

POLITICAL SUBDIVISIONS

- Post agenda 24 hours before the meeting at office and on website

STATE ENTITIES

- Post agenda 72 hours before the meeting, and post agenda on the boards/commission's website:
<https://boardsandcommissions.sd.gov/>

NOTICE REQUIREMENT

Agenda MUST Include:

- Date
- Time
- Location
- And - alert media who have requested updates

PUBLIC PARTICIPATION

- Require public comment period at every official meeting
- Time limits are allowed (per topic or in total)
- Exceptions: Executive Session, inauguration, annual reports, swearing in

RECORDING MEETINGS

The public can record (audio/video) if it is:

- Reasonable
- Obvious
- Non-disruptive

Not allowed during Executive Sessions

EXECUTIVE SESSIONS

Permitted For (SDCL 1-25-2):

- (1) Personnel matters (reviewing qualifications of an employee, or of a board/council member)
- (2) Student discipline (school districts)
- (3) Legal consultations (i.e., legal matters, contractual matters)
- (4) Contract negotiations (employee contracts)
- (5) Marketing or strategies of a publicly owned competitive business
- (6) Information related to the protection of the public or private property (emergency response plans or other public safety information)

- Must cite SDCL 1-25-2 subsection
- No Official actions can be taken during the executive session(closed session); actions must occur in public

GENERAL RECORDKEEPING

- Meeting materials; posted on website or made available 24 hours prior to the meeting or when made available to members of public body
- Draft minutes available within 10 business days

AGENDA RULES

- Proposed agenda posted 72+ hours before meeting
- Final agenda adopted at start of meeting
- New items cannot be added after the final adoption (OMC 20-03)
- Emergencies allow some flexibility

HOW ARE COMPLAINTS FILED WHEN THE OPEN MEETINGS LAW IS VIOLATED?

Complaints alleging violations of the state open meetings laws must be filed with the States Attorney where the alleged violation occurred.

Frequently Asked Questions – information can be found on the Attorney General's website

<https://atg.sd.gov/legal/opengovernment/faqs.aspx#gsc.tab=0>

States Attorneys Listing: <https://sdstatesattorneys.org/sd-states-attorneys/>

OPEN MEETINGS COMMISSION (OMC)

- 5 state's attorneys/deputies appointed by Attorney General
- OMC reviews complaints and issues public findings
- Can issue reprimands; no further prosecution if OMC acts

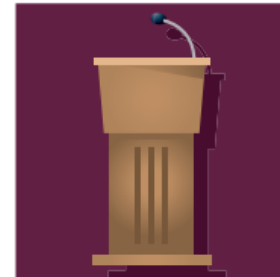
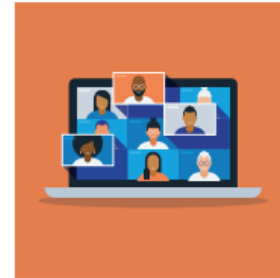
ANNUAL REVIEW REQUIREMENT

Public bodies must annually:

- Review Attorney General's explanation of Open Meetings Laws; along with any material pertaining to open meetings laws made available by Attorney General
- Include acknowledgement in meeting minutes

CONDUCTING THE PUBLIC'S BUSINESS IN PUBLIC

A Guide To South Dakota's Open Meeting Laws



Conducting the Public's Business in Public

A guide to South Dakota's
Open Meetings Laws
(Revised 2025)

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