

SOUTH DAKOTA ADVISORY TASK FORCE COMMITTEE
ON OPEN MEETINGS LAWS

PROPOSED AGENDA

August 17, 2026
9:00 a.m. Central Time

Matthews Environmental Education
& Training Center – Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501

If you wish to join this meeting by **Microsoft Teams**, please join meeting at:

Meeting ID: 242 064 410 407 79

Passcode: 77cT28Bv

Or to join by **telephone** dial:

1 (605) 679-7263 with Phone Conference ID: **107 090 200#**

CALL TO ORDER, ROLL CALL

1. Introduction for online participants and Roll Call – Reminder: For the benefit of listeners who are remote, please state your name before you speak. – *Beverly Katz, Assistant Attorney General*
 - * *Michael Smith* – Clay County State’s Attorney
 - * *Austin Hoffman* – McPherson County State’s Attorney
 - * *Karla Engle* – Chief Legal Counsel for the Department of Transportation
 - * *Kirsten Jasper* – Chief Legal Counsel for the Department of Revenue
 - * *Tracey Kelley* – Custer County State’s Attorney
 - * *Dylan Kirchmeier* – Roberts County State’s Attorney
 - * *Dave Bordewyk* – South Dakota News Media Association
 - * *Steve Willard* – South Dakota Broadcasters Association
 - * *Shane Roth* – DeSmet School District Board President and Associated School Boards of South Dakota President
 - * *Garret Bischoff* – Huron School District Board Vice-President and Associated School Boards of South Dakota Immediate Past President
 - * *Honorable Geoffrey Gray-Lobe* – Clay County Commissioner
 - * *Honorable Cole Heisey* – Minnehaha County Commissioner
 - * *Kellen Willert* – City Attorney for the City of Belle Fourche, Municipal League representative
 - * *Terry Sletten* – SDATAT Executive Director
 - * *Jim Urban* – SDATAT Board of Director Member
2. Public Comment period as per SDCL § 1-25-1 – Public comments will be limited to 10 minutes per person – *Chair Michael Smith*

3. Additions or Changes to the Proposed Agenda; Motion for Proposed Agenda to become a Final Agenda – *Chair Michael Smith*
4. Old business
 - A. **Approved by the Task Force: No. 5:** SDCL § 1-25-3 (The *State* must keep detailed minutes and must report the results of each vote taken, and how each member voted on any motion on which a roll call vote is taken.) (It is a misdemeanor.) No action – information only.
 - B. **Approved by the Task Force: No. 5.1:** SDCL § 1-25-3.1 (All *political subdivisions* must keep detailed minutes and report the results of each vote taken and how each member voted on any motion on which a roll call vote is taken.) *Discuss making this a misdemeanor.*
 - C. **Approved by the Task Force: No. 7:** New section (Official action of any public body must occur in official meeting by a motion and second, and vote.) *Discuss making this a misdemeanor.*
 - D. **Approved by the Task Force: No. 9:** SDCL § 1-25-6 (Must file complaint within 1 year of alleged violation.) No action – information only.
 - E. **Approved by the Task Force: No. 10:** SDCL § 1-25-1 (Clarifying timing of public comment process after approval of final agenda.) (It is a misdemeanor). No action – information only.
5. Continued Revisions
 - F. **No. 8:** Making audio recordings of meetings mandatory with a specified retention period. **Action item:** Continue revision of this new law. *Discuss making this a misdemeanor.*
6. Other task force member proposals
7. Discussion regarding future meeting
8. Adjournment

All items are scheduled for 9:00 a.m. Central Time. Scheduled items may be delayed at the discretion of the Chair of the Advisory Task Force Committee on Open Meetings Laws.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, Beverly Katz at 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.

No. 5
Approved by Advisory Task Force 4/7/2026

1 ENTITLED, An Act to Require the State to Record the Results of Each Vote Taken
2 in the Minutes

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 1-25-3 be AMENDED as follows:**

5 **1-25-3.** The state- must keep detailed minutes of the proceedings of all
6 regular or special meetings. The minutes required in this section-~~shall~~ must
7 report the results of each vote taken, and how each individual member voted
8 on any motion on which a roll call vote is taken. The minutes-~~shall~~ must be
9 available for inspection by the public pursuant to SDCL ch. 1-27-~~at all times at~~
10 ~~the principal place of business of the board or commission~~. A violation of this
11 section is a Class 2 misdemeanor.

No. 5.1
Approved by Advisory Task Force 4/7/2026

1 ENTITLED, An Act to Require All Political Subdivisions to Record the Results of
2 Each Vote Taken in the Minutes

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That chapter 1-25 be AMENDED by adding thereto a new section**
5 **to read as follows:**

6 **1-25-3.1. All political subdivisions subject to § 1-25-1.1 must keep**
7 **detailed minutes of the proceedings as otherwise required by law. At a**
8 **minimum, all public bodies must report the results of each vote taken, and**
9 **how each individual member voted on any motion on which a roll call vote is**
10 **taken. The minutes shall be available for inspection by the public pursuant to**
11 **SDCL ch. 1-27.**

No. 7
Approved by Advisory Task Force 4/7/2026

1 ENTITLED, An Act to Require Official Action of a Public Body to Occur Only After a
2 Motion and Vote of the Public Body

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That chapter 1-25 be AMENDED by adding thereto a new section**
5 **to read as follows:**

6 Official action by any public body must occur in an official meeting and be
7 preceded by a motion, a second, and a vote of the members of the public body
8 present and voting.

No. 9
Approved by Advisory Task Force 4/7/2026

ENTITLED, An Act to Require That A Complaint Be Filed With the State's
Attorney Within One Hundred Eighty Days

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 1-25-6 be AMENDED as follows:

1-25-6. If a complaint alleging a violation of this chapter is made
pursuant to § 23A-2-1, the state's attorney shall take one of the following
actions:

- (1) Prosecute the case pursuant to Title 23A;
- (2) Determine that there is no merit to prosecuting the case. Upon doing so,
the state's attorney shall send a copy of the complaint and any investigation
file to the attorney general. The attorney general shall use the information
for statistical purposes and may publish abstracts of such information,
including the name of the government body involved for purposes of public
education; or
- (3) Send the complaint and any investigation file to the South Dakota Open
Meetings Commission for further action.

A complaint brought pursuant to this section must be filed with the
state's attorney within one year after the date of the alleged violation.

No. 10
Approved by Advisory Task Force 4/7/2026

1 ENTITLED, An Act to Clarify the Public Comment Process

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 1-25-1 be AMENDED as follows:**

4 **1-25-1.** An official meeting of a public body is open to the public unless
5 a specific law is cited by the public body to close the official meeting to the
6 public.

7 It is not an official meeting of one public body if its members provide
8 information or attend the official meeting of another public body for which
9 the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an
10 official meeting of a public body if its members attend a press conference
11 called by a representative of the public body.

12 For any event hosted by a nongovernmental entity to which a quorum
13 of the public body is invited and public policy may be discussed, but the
14 public body does not control the agenda, the public body may post a public
15 notice of a quorum, in lieu of an agenda. The notice of a quorum must meet
16 the posting requirements of § 1-25-1.1 or 1-25-1.3 and must contain, at a
17 minimum, the date, time, and location of the event.

18 The public body must at every official meeting, immediately after the
19 approval of the agenda, reserve- a period for public comment, limited at the
20 public body's discretion as to the time allowed for each topic and the total

No. 10
Approved by Advisory Task Force 4/7/2026

time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

No. 8

1 ENTITLED, An Act to Require the Creation and Retention of Audio Recordings

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That chapter 1-25 be AMENDED by adding thereto a new section**
4 **to read as follows:**

5 The state and all counties must make an audio recording of every
6 public meeting and retain that audio recording for a minimum period of
7 seven years.

8 All- municipalities as well as any county commission in a county with a
9 population exceeding 5,000, as determined by the most recent federal census,
10 must make an audio recording of all regular and special meetings and retain
11 that recording for a minimum period of _____ year.

12 Executive sessions are exempt from this section.