

STATE OF SOUTH DAKOTA
COUNTY OF OGLALA LAKOTA

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

IN THE MATTER OF THE REVIEW OF
DENIAL OF PUBLIC RECORDS REQUEST
OF OGLALA SIOUX TRIBE BY THE
CITY OF MARTIN

CIVIL CASE NO: 56CIV24-000004

**OGLALA SIOUX TRIBE'S STATEMENT
OF ISSUES ON APPEAL**

Appellant Oglala Sioux Tribe submits the following Statement of the Issues on Appeal pursuant to S.D.C.L. § 1-26-31.4:

1. Whether the Hearing Examiner erred in ruling that the City of Martin can condition production of public records pertaining to federal voting rights of Native Americans upon the Oglala Sioux Tribe's waiver of tribal sovereign immunity when tribal sovereign immunity is not subject to diminution by states?
2. Whether the Hearing Examiner erred in ruling that the City of Martin could require the Oglala Sioux Tribe to either a) prepay the estimated costs to compile public records contrary to S.D.C.L. § 1-27-35 which requires "payment of the actual cost" of public records after they have been compiled; or b) waive sovereign immunity and enter into a contract to pay the costs after compilation of the public records when no laws in S.D.C.L. Ch. 1-27 require either of these conditions?

Dated this 6th day of March 2024.

American Civil Liberties Union of South
Dakota



Stephanie R. Amiotte
South Dakota Bar No. 3116
P.O. Box 91952
Sioux Falls, South Dakota 57109

605-370-4313
samiotte@aclu.org

Andrew Malone
South Dakota Bar No. 5186
ACLU of South Dakota
P.O. Box. 91952
Sioux Falls, South Dakota 57109
605-910-4004
Amalone@aclu.org

Samantha Kelty*
Native American Rights Fund
950 F. Street, NW, Ste. 1050
Washington, DC 20004
928-814-8922
Kelty@narf.org
*Admitted Pro Hac Vice

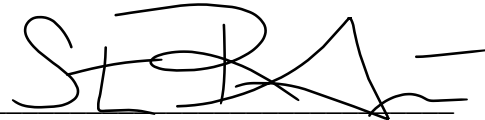
CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2024, the Oglala Sioux Tribe's Statement of Issues on Appeal was served via email and U.S. Mail, postage prepaid, upon the following:

Sara Frankenstein
Gunderson, Palmer, Nelson, Ashmore, LLP
506 Sixth Street
Post Office Box 8045
Rapid City, SD 57709
sfrankenstein@gpna.com
Counsel for Appellee City of Martin

This 6th day of March 2024.

American Civil Liberties Union of South
Dakota



Stephanie R. Amiotte
South Dakota Bar No. 3116
P.O. Box 91952
Sioux Falls, South Dakota 57109
(605) 370-4313
samiotte@aclu.org