

FILED
11-08-2023
CLERK OF WISCONSIN
SUPREME COURT

IN THE SUPREME COURT OF WISCONSIN

No. 2023AP1399

Rebecca Clarke, Ruben Anthony, Terry Dawson, Dana Glasstein, Ann Groves-Lloyd, Carl Hujet, Jerry Iverson, Tia Johnson, Angie Kirst, Selika Lawton, Fabian Maldonado, Annemarie McClellan, James Mcnett, Brittany Muriello, Ela Joosten (Pari) Schils, Nathaniel Slack, Mary Smith-Johnson, Denise Sweet and Gabrielle Young,

Petitioners,

Governor Tony Evers In His Official Capacity, Nathan Atkinson, Stephen Joseph Wright, Gary Krenz, Sarah J. Hamilton, Jean-Luc Thiffeault, Somesh Jha, Joanne Kane and Leah Dudley,

Intervenors-Petitioners,

v.

Wisconsin Elections Commission, Don Millis, Robert F. Spindell, Jr., Mark L. Thomsen, Ann S. Jacobs, Marge Bostelmann, Carrie Riepl, in their Official Capacities as Members of the Wisconsin Elections Commission; Meagan Wolfe In Her Official Capacity as the Administrator of the Wisconsin Elections Commission; Andre Jacque, Tim Carpenter, Rob Hutton, Chris Larson, Devin Lemahieu, Stephen L. Nass, John Jagler, Mark Spreitzer, Howard Marklein, Rachael Cabral-Guevara, Van H. Wanggaard, Jesse L. James, Romaine Robert Quinn, Dianne H. Hesselbein, Cory Tomczyk, Jeff Smith and Chris Kapenga in Their Official Capacities as Members of the Wisconsin Senate,

Respondents,

Wisconsin Legislature, Billie Johnson, Chris Goebel, Ed Perkins, Eric O'Keefe, Joe Sanfelippo, Terry Moulton, Robert Jensen, Ron Zahn, Ruth Elmer and Ruth Streck,

Intervenors-Respondents.

**MOTION FOR LEAVE TO APPEAR AND FILE
AMICUS BRIEF BY MATTHEW PETERING, PhD**

Matthew Petering, PhD (“Petering”) moves the Court, pursuant to this Court’s October 6, 2023 Order and under Wis. Stat. §§ 809.14(1), 809.19(7)(a), and 809.63, for leave to appear and file a brief as *amicus curiae* in this proceeding as to Issue No. 3 of the October 6, 2023 Order. Simultaneously with the filing of this motion, Petering is filing his proposed non-party *amicus curiae* brief. In support of this motion, Petering submits the following:

1. This Court’s October 6 Order states, as No. 3 at page three:

If the court rules that Wisconsin’s existing state legislative maps violate the Wisconsin Constitution for either or both of these reasons and the legislature and the governor then fail to adopt state legislative maps that comply with the Wisconsin Constitution, what standards should guide the court in imposing a remedy for the constitutional violation(s)?

This motion seeks leave for Petering to appear and file the attached non-party *amicus curiae* brief specifically and exclusively to address the question posed by the Court.

2. Over the past 20 years, Petering has developed uniquely specialized knowledge, experience, and expertise in the highly technical discipline of mathematical optimization, which can be applied to create full and fair Wisconsin voting district maps. Petering, who was born and raised in Milwaukee, has a PhD and Master’s Degree, both in Industrial & Operations Engineering, from the University of Michigan. He is currently Associate Professor of Industrial & Manufacturing Engineering at the University of Wisconsin-Milwaukee, and the owner of District Solutions LLC, a redistricting consulting firm.

3. Petering has spent the last several years developing state-of-the-art algorithms for the delineation of voting districts for state legislative and federal congressional districts.

4. Petering has developed an algorithm for the creation of objective and fair voting districts in Wisconsin. As fully described in the proposed *amicus curiae* brief, this algorithm, called *FastMap*, is based on multiple criteria. After four criteria ensuring compliance with applicable federal and state law, an important criterion is proportionality (political fairness). Maps should reflect the proportions that the various political parties maintain with the public. The algorithm considers several additional criteria including, but not limited to, compactness, competitiveness, county splitting, and municipality splitting.

5. Petering's expertise would be of significant value to the Court in addressing the relevant standards to guide it in fashioning one or more remedies for any constitutional violation(s) which the Court may find. In addition to the specific algorithm which he has created as to Wisconsin maps, and as described in his proposed *amicus curiae* brief, Petering can provide the Court with material helpful information regarding the most appropriate criteria to use if new district maps are to be created, the weights to be accorded these criteria, how to lessen subjective factors, and how to maximize objectivity and political fairness in the creation of district voting maps.

6. Petering may be unique amongst those asking to file non-party *amicus curiae* briefs regarding the issues raised by No. 3 of the Court's October 6 Order. Petering's motion is filed individually, not on behalf of any business entity. Petering is not making this motion as a "hired gun"

for politically-connected groups or as someone with political motivations. Petering is acting as a concerned citizen of Wisconsin, where he was born and raised and now lives. His chosen profession for the past 20 years has provided him with unique knowledge, experience and expertise which can help the Court impose the most appropriate remedy if it concludes that Wisconsin's existing state legislative maps violate the Wisconsin Constitution and must be withdrawn. Petering simply supports making Wisconsin the best it can be, including in its voting processes.

Accordingly, movant Matthew Petering respectfully requests the Court grant this motion, allow Petering leave to appear in this proceeding, and accept his simultaneously filed proposed *amicus curiae* brief.

Dated: November 8, 2023

FOX, O'NEILL & SHANNON, S.C.

Electronically signed by Matthew W. O'Neill

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