

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNIVERSITY OF SOUTH FLORIDA
COLLEGE REPUBLICANS et. al.,

Plaintiffs,

v.

HOWARD W. LUTNICK, et. al.,

Defendants.

Case No. 8:25-cv-02486

**STATEMENT OF
UNDISPUTED MATERIAL
FACTS**

Introduction

Per the Court's pleading preferences, *see* ECF No. 39, the parties have conferred in good faith to narrow the factual issues in dispute.

Statement of Undisputed Material Facts

1. The United States Constitution requires an "actual Enumeration" of the population every ten years, to be made "in such Manner" as Congress "shall by Law direct." U.S. CONST. art. 1, § 2, cl. 3. In the Census Act, Congress delegated to the Secretary of Commerce (the Secretary) the task of conducting the decennial census "in such form and content as he may determine." 13 U.S.C. § 141(a). The Secretary is aided in that task by the United States Census Bureau (Census Bureau), an agency housed within the United States Department of Commerce. *Id.* §§ 2, 21.

2. Federal law requires the Secretary to count the population “as of the first day of April.” 13 U.S.C. § 141(a).

3. Federal law provides for a private cause of action. *See* Pub. L. No. 105-119, § 209(b) (1997).

4. In conducting the 2020 census, the Census Bureau relied on two new statistical methodologies: the Group Quarters Count Imputation Procedure (GQCIP) and Differential Privacy. *See* Exhibit 5; Exhibit 6.

5. Neither methodology had been utilized in a decennial census until the 2020 census.

6. In December 2020, the Census Bureau formed a group known as the “Group Quarters Count Imputation Team” (GQ Count Imputation Team). *See* Exhibit 7.

7. In February 2021, the GQ Count Imputation Team developed and deployed the GQCIP. Exhibit 8; Exhibit 26 at 5.

8. In some instances, GQCIP used enumeration totals from similar facilities to infer the populations of Group Quarters homes.

9. The GQCIP added or subtracted from enumeration counts.

10. The GQCIP was used on group facilities such as college/university dormitories and nursing homes, many of which were experiencing lower-than-historical occupancy on April 1, 2020. Exhibit 6.

11. The Census Bureau also used “Differential Privacy” on data obtained during the 2020 census. Exhibit 9 at 213; Exhibit 23.

12. Differential Privacy is a mathematical framework designed to disguise an individual’s identity in published data. The framework functions by adding “statistical noise” (*i.e.*, random additions or subtractions) into a given data set to prevent the reverse engineering of the data set. Exhibit 9 at 214; Exhibit 10 at 1; Exhibit 23.

13. Differential Privacy added or subtracted from enumeration counts at the census block level.

14. Pinellas and Hillsborough counties had estimated undercounts in the 2020 census.

15. The Census Bureau’s 2020 Post-Enumeration Survey revealed errors in the 2020 census count. Exhibit 25 at 5.

DATED: November 14, 2025 November 14, 2025 Respectfully
submitted,

/s/ [insert name]

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