

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

FILED
Superior Court of California
County of San Francisco

SEP 07 2022

CLERK OF THE COURT
BY: *John Arntz*
Deputy Clerk

LEANNA LOUIE, et al.,

Case No. CPF-22-517855

Petitioners;

vs.

**ORDER DENYING PETITION FOR
WRIT OF MANDATE, ETC.**

JOHN ARNTZ, et al.,

Respondents.

San Francisco has district voting for its board of supervisors. By law, candidates must be domiciled in the district they seek to represent for not less than 30 days before filing to run. Leanna Louie failed to prove such domicile in district four, so her name cannot appear on the November 8, 2022 ballot.

On June 3, Louie filed to run for district four's supervisorial seat. News reports later raised doubts about Louie's residency in the district. At elections director John Arntz's request, the city attorney's office investigated. Based on witness statements, photographs, documents and an interview of Louie, the city attorney issued a 13-page single-spaced memorandum concluding that Louie had

not demonstrated domicile in district four. (Id. at 13.) Arntz then notified Louie that her name was being removed from the ballot.

On August 29, Louie filed a “petition for writ of mandate reinstating Leanna Louie on the November 2022 ballot.” (Pet. 1:17-20.) The petition’s causes of action seek (1) “an Elections Code writ of mandate preventing” Arntz “from excluding Leanna Louie from being listed as a candidate on the ballot,” (2) “a traditional writ of mandate preventing” Arntz “from printing the ballot absent Leanna Louie’s name,” (3) “injunctive relief enjoining” Arntz “from printing the ballot absent Leanna Louise [sic] name on the ballot” and (4) “declaratory relief... as to the legality of the removal of Leanna Louie’s name from the ballot.” (Id. at 4:13-6:12.)¹ Louie’s August 31 application for an order shortening time for briefing and hearing was granted.

The key issue here is whether Louie demonstrated the required domicile in district four to run for its supervisory seat.

San Francisco’s city charter provides that a supervisor candidate “must have resided in the district in which he or she is elected for a period of not less than 30 days immediately preceding the date he or she files a declaration of candidacy.” (Id. at §13.110(e).) Louie filed on June 3, so May 3 marked the “30 days

¹ Petitioners are Louie and Leanna Louie for D4 Supervisor 2022; respondents are Arntz and the City and County of San Francisco. Unnecessary capitalization and emphasis are deleted in this order; all dates are in 2022 unless otherwise noted.

immediately preceding.” (Id.) The city charter does not define “resided,” so state law applies, and it defines “residence” as “a person’s domicile.” (Id. at §13.100; Elec. Code §349.) “[D]omicile’ is the one location with which for legal purposes a person is considered to have the most settled and permanent connection, the place where he intends to remain and to which, whenever he is absent, he has the intention of returning.” (*Smith v. Smith* (1955) 45 Cal.2d 235, 239; see also Elec. Code §349.) “When a candidate asserts eligibility for office on the basis of acquiring a new domicile within the jurisdiction in question, he or she has the burden of demonstrating such a change in domicile.” (90 Ops. Cal. Atty. Gen. 82 (2007) (citing *DeMiglio v. Mashore* (1992) 4 Cal.App.4th 1260, 1268-69.)

Louie says the “record is clear” she has been domiciled on 35th Avenue in district four since before May 3. (Pet. Memo. 3:4-6.) However, Louie’s memorandum has a paucity of citations to the record and the few that do exist are largely untargeted references to collections of documents. (Id. at 4:10-11, 5:9.) Indeed, the section of her memo titled “Louie is a domiciled resident of supervisorial district four” contains not one record citation. (Id. at 13:22-15:13.)² In short, how Louie purports to bear her burden of proof is not clear.

² The witness statements Louie presents – but her memorandum does not individually cite – largely regard her whereabouts *after* the May 3 relevant date.

In contrast, though they do not have the burden of proof, respondents' evidence is dispositive. Louie rented a room on 35th Avenue in district four in March, but swore under penalty of perjury when voting in April that she resided on Bridgeview Drive in district 10. (City Memo. 3-5.) This showed that the room rental was not a change of domicile. Louie did not register to vote at 35th Avenue in district four until May 7 – less than 30 days before she filed for the district's supervisorial seat on June 3. (Id. at 13.) Moreover, Bridgeview Drive remained Louie's mailing and driver's license address. (Id. at 11.)³ Respondents concluded that Louie failed to carry her burden of demonstrating a change in domicile by May 3 from Bridgeview Drive to 35th Avenue. (Id. at 13.) I agree.

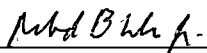
Louie's writ petition also pleads that she was removed from the ballot though she "had been certified by the department of elections as a proper candidate on June 3" and "the mandatory removal date" was "June 27." (Pet. 2:5-15.) However, on June 3, elections department staff merely accepted Louie's attestations as true – immediate confirmation was not possible. (Arntz Dec. 4:1-5:18.) Louie cites no authority for a "mandatory removal date," and the elections department rightly "does not consider the public examination period to be the sole

³ Louie told investigators that since 2021 she has stayed in, slept at and/or owned six San Francisco residences. (City Memo. 2-9.) However, Louie stated that her "mail will always go" to Bridgeview Drive, as in the past, and she sleeps there some nights, as has also been her longstanding pattern. (Id.; see *Smith*, 45 Cal.2d at 239 [domicile is "the one location with which...a person is considered to have the most settled and permanent connection"].)

opportunity for it to review a candidate's compliance with the residency requirements imposed by the charter." (Id. at 5:10-18.)⁴

Louie's requests for writs and injunctive and declaratory relief are all denied. All requests for judicial notice are granted.

Dated: September 7, 2022



Richard B. Ulmer Jr.
Judge of the Superior Court

⁴ Louie also argues claims not pled in her writ petition – that Arntz “has violated petitioners’ rights under the equal protection clause of the Constitution” and “is not empowered to unilaterally remove a candidate from the ballot” because that “may only be accomplished by court order.” (Pet. Memo. 6:18-20, 11:3-4.) Louie’s petition sets the bounds of her claims, so this unpled matter need not be addressed. In any event, election officials may remove a candidate’s name from the ballot; no court order is required. (See *Arntz v. Sup. Ct.* (2010) 187 Cal.App.4th 1082, 1088; *Schweisinger v. Jones* (1998) 68 Cal.App.4th 1320, 1323.) And “a 30-day residence requirement” for candidates is not an equal protection violation. (*Johnson v. Hamilton* (1975) 15 Cal.3d 461, 472.)

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LEANNA LOUIE ET AL VS. JOHN ARNTZ ET AL

I, the undersigned, certify that I am an employee of the Superior Court of California, County Of San Francisco and not a party to the above-entitled cause and that on September 07, 2022 I electronically served the foregoing Order Denying Petition for Writ of Mandate, Etc. on each counsel of record or party appearing in propria persona by causing a copy thereof to be sent by email to the email addresses indicated below.



Date: September 07, 2022 By: SEAN KANE

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