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## MEMORANDUM

TO: John Arntz  
Director of Elections

FROM: Andrew Shen  
Deputy City Attorney  
Keslie Stewart  
Chief of Public Integrity and Investigations

DATE: August 26, 2022

RE: Review of Ms. Leanna Louie's Residency

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Based on recent news reports, serious questions have been raised about whether Ms. Louie established residency in District Four, the district she seeks to represent as a member of the Board of Supervisors, by the date that is 30 days before she filed her declaration of candidacy for that office, as the San Francisco Charter requires. Because Ms. Louie filed her declaration of candidacy on June 3, 2022, she had to satisfy that requirement by May 3, 2022. In response to your request for our analysis of this question, this Office has independently reviewed whether Ms. Louie established the required residency – referred to as “domicile” as we explain below – by that May 3, 2022 date.

Promptly after receiving your request, on Monday, August 15, 2022, we sent Ms. Louie a letter requesting an interview and documents that would show where she has lived since March 1, 2022 because this is the date on which she claimed she became a resident of District Four. For this review, our Office examined available public records, Ms. Louie's voter registration and voting history, and additional documents provided by Ms. Louie and her attorneys. On Monday, August 22, 2022, our Office conducted a voluntary interview of Ms. Louie. At this interview, Ms. Louie was represented by two attorneys, Mr. Daniel Chung and Ms. Christine Linnenbach. The interview was conducted by Senior Investigator Shawn Kelly and Deputy City Attorney Keslie Stewart, Chief of Public Integrity and Investigations. Copies of those records, with appropriate redactions, are attached.

### I. SUMMARY

Charter Section 13.110 requires that each candidate for the Board of Supervisors must have resided in the district that member wishes to represent for at least 30 days immediately preceding the date she files a declaration of candidacy for the office, and must continue to reside in the district, if elected. The Charter and local elections code incorporate the state Elections Code, under which the place where an official “resides” – or that person's “residence” – is defined to mean *domicile*. To establish a “domicile” for elections law purposes, an official must physically inhabit a place with the intent to remain there. A person can have more than one residence, but can have only one domicile at a time. So, to change one's domicile requires both action and intent – that is, the act of physically moving to the new residence plus the intent to make it one's fixed home.

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Here, we have confirmed with the Director of Elections that based on Ms. Louie's filing of her declaration of candidacy on June 3, 2022, she must have established domicile in District Four by May 3, 2022. Based on the records that we have reviewed and the interview we conducted, we conclude that Ms. Louie has not met her burden of proof of establishing a new domicile in District Four by May 3, 2022. "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 of domicile." 90 Ops. Cal. Atty. Gen. 82 (2007) (citing *DeMiglio v. Mashore* 4 Cal.App.4th 1260, 1268-69 (1992)). Based on the information Ms. Louie has provided to our Office, her domicile in San Francisco has been in District Ten for many years. Ms. Louie has failed to carry her burden of demonstrating a change in domicile to District Four by May 3, 2022, 30 days before she filed her declaration of candidacy for that office.

**II. BACKGROUND**

Ms. Louie's statements and the documents she made available to our Office establish that her San Francisco domicile before March 1, 2022 has been in District Ten. Ms. Louie asserted that she began the process of establishing domicile in District Four as of that date (after an earlier unsuccessful effort to move to District Four from District Ten in 2021, as we describe below). But the facts provided by Ms. Louie demonstrate that she had substantial, ongoing ties to residences in other supervisorial districts – including District Ten as well as Districts Nine and Eleven – in the same time frame that she also claims she was taking steps to establish domicile in District Four.

**A. District Ten – Bridgeview Drive and Palou Avenue**

Ms. Louie lived in District Ten for many years and maintained her domicile there at Bridgeview Drive from 2012 through at least April 3, 2022. According to Ms. Louie, her family first moved to Bridgeview Drive in 1986 when she was still a minor. Ms. Louie lived at that address until 1990 when she joined the Army. Ms. Louie's father and brother continued to reside at Bridgeview Drive and still reside at that address.

Ms. Louie returned to the City in 2012. When she returned, Ms. Louie first lived at Bridgeview Drive and for at least five years on Palou Avenue, a few blocks from her family home and also in District Ten. Since her return to the City in 2012, Ms. Louie confirmed that she had always voted at Bridgeview Drive. With the exception of the recent June 7, 2022 primary election, every vote she has cast in San Francisco has relied upon the Bridgeview Drive address. Until earlier this week, Ms. Louie's driver's license listed Bridgeview Drive as her address. She also continued to receive mail at this address, such as for her veteran's life insurance benefit.

As she stated at the beginning of her interview with our Office, Ms. Louie's longest standing ties are with the Bridgeview Drive address:

I grew up in San Francisco and I joined the Army in 1990. I served in the Army for 11 years active duty, so I traveled around the world quite a bit, and because of my frequent travels, my parents' home in San Francisco District 10, ...Bridgeview Drive, has always been my home of record. In other words, all of mail has been going there since I got my driver's license when I was 16 years old in 1988 and I've never changed it. I've

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always voted out of that address because I was stationed overseas several times.

In her interview, Ms. Louie stated she still occasionally spends the night at Bridgeview Drive, if it's more convenient for her depending on where she ends her day. During her interview, Ms. Louie stated that she was still spending the night at Bridgeview Drive as late as April 3, 2022, the day on which she received her vote-by-mail ballot for the April 19, 2022 special election:

SR. INV KELLY: Did you receive a ballot for the April election at ... 35th Avenue [in District Four]?

LOUIE: No.

SR. INV KELLY: You never received a ballot there after you had registered on March 8th?

LOUIE: No.

SR. INV KELLY: Okay. So the ballot that you received was at ... Bridgeview, where you were still living off and on after March 8th. Is that right?

LOUIE: Yes.

SR. INV KELLY: Okay. How did you become aware that this had been delivered to Bridgeview?

LOUIE: My father picks up the mail every day. He says, "Honey, you got a voter ballot, you better vote," so I voted.

SR. INV KELLY: So did you go by ... Bridgeview and collect the ballot that had been mailed there?

LOUIE: I was staying there that day when he gave it to me.

SR. INV KELLY: On April 3rd?

LOUIE: Yes.

SR. INV KELLY: Okay. So this is your signature, that's your writing, you wrote in April 3, 2022, and the address at ... Bridgeway. Right?

LOUIE: Yes.

SR. INV KELLY: Okay. And do you acknowledge that above your signature and above the section where it says, "Sign Here," it says, "I declare under penalty of perjury that I am a resident of the San Francisco precinct where I am voting"?

LOUIE: Yes.

SR. INV KELLY: Okay.

LOUIE: I was staying there at the time.

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SR. INV KELLY: And so you considered yourself to be a resident as of April 3, 2022, at ... Bridgeview Drive?

LOUIE: Yes.

SR. INV KELLY: Okay.

ATTY LINNENBACH: Can I ask you one quick clarification? Do you understand what the legal definition of resident is based on what they wrote on that envelope?

LOUIE: Sorry?

ATTY LINNENBACH: I think I proved my point.

DCA STEWART: Well, why don't you tell us what you thought it meant when you said I declare under penalty of perjury that I'm a resident of this San Francisco precinct [in District Ten].

LOUIE: That I stay there, that I sleep there, that I do my business there, eat there, share meals with my family.

By signing under penalty of perjury that she was a resident of the District Ten precinct where she voted, Ms. Louie provided notice to the Department of Elections of a change of address for her voter registration as of April 3, 2022. Under California Elections Code Section 2119(b), the Department of Elections accepted that change of address. For the purposes of this inquiry, Ms. Louie acknowledged that as of April 3, 2022, she was a resident at Bridgeview Drive in District Ten because that is where she stays, sleeps, eats, and spends time with her family.

On June 3, 2022, Ms. Louie filed her declaration of candidacy with the Department of Elections and on that form, she listed the Bridgeview Drive address as her mailing address.

**B. District Four****1. District Four – 22nd Avenue**

In her interview, Ms. Louie stated that in the Summer of 2021, she began to take steps to move from District Ten to District Four. She stated that she rented a single room in a house for herself and her teenage son in District Four, on 22nd Avenue in the Sunset. Ms. Louie stated she rented the room at this address to “facilitate [her] minor son’s walking to Washington High School.” Washington High School is located at 30th Avenue and Balboa in the Richmond District, on the other side of Golden Gate Park, and we estimate that it would be at least a 40-minute walk to cover the approximately two-mile distance from her address on 22nd Avenue to her son’s school.

According to Ms. Louie, the 22nd Avenue residence had mold issues, causing her and her teenage son to move back to Bridgeview Drive in District Ten in December 2021. Ms. Louie did not provide a lease for this 22nd Avenue address in District Four. But Ms. Louie did register her car at 22nd Avenue and provided this Office with mail sent to the 22nd Avenue address.

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**2. District Four – 35th Avenue**

On March 1, 2022, Ms. Louie signed a month-to-month lease for a room at 35th Avenue in District Four and pays \$500 a month in rent. Neither Ms. Louie nor her attorneys claim that she attempted to establish domicile at this District Four address before entering this lease on March 1. Ms. Louie's teenage son did not move to the 35th Avenue address with her; similarly, neither her fiancé nor her older, adult son lived with her at the apartment. On March 8, 2022, Ms. Louie registered to vote using the 35th Avenue address. This was the first time she had registered to vote anywhere besides Bridgeview Avenue in District Ten since at least 2012.

On August 16, 2022, in response to our Office's August 15 request for an interview, Ms. Louie wrote in an e-mail to Senior Investigator Kelly:

I assure you that I shower and sleep at ... 35th Avenue every day since 3/1/2022, except when I was on vacation in SoCal on the last week of April 2022.

Despite the lease's start date and that recent e-mail message, Ms. Louie subsequently changed her answer at her interview, saying that she did not move to 35th Avenue until March 23 or 24 – and continued living at Bridgeview Drive until that date:

SR. INV KELLY: Okay. And what did it entail for you to move in there? So you described the purchase of the new mattress that arrived and you gave the specific dates, and I don't want to misquote you here.

DCA STEWART: March 23rd.

SR. INV KELLY: March 23rd. So, did you not sleep there from March 1st to March 23rd?

LOUIE: I tried on and off on the couch. It was not very comfortable, so yeah, and I was waiting for my paycheck to come. So when my paycheck finally came, I purchased the bed.

SR. INV KELLY: So did you live off and on at Bridgeview?

LOUIE: Yes.

SR. INV KELLY: Between March 1st and March 24th, when your bed was delivered to 35th Avenue?

LOUIE: Yes.

Ms. Louie also submitted a letter from her landlord and roommate, George Erickson, in which he states that she moved in on March 1 and had "continuously lived" at 35th Ave, except for a vacation at the end of April 2022. Our Office asked Ms. Louie about Mr. Erickson's statement during her interview, after Ms. Louie stated she did not move in for a few weeks:

ATTY CHUNG: Just one moment. Are you asking her to explain why her landlord wrote this?

LOUIE: I can explain.

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ATTY CHUNG: No, no, no. Are you asking her to explain why her landlord wrote this?

SR. INV KELLY: What I'm asking her to explain why the discrepancy between what her landlord wrote and what she has told us were her actual living circumstances for the first three weeks.

ATTY CHUNG: So she can explain things that she did or that she is aware of, but she should not be explaining her landlord's sentences. That's for you to have a discussion with him about.

SR. INV KELLY: Okay. What can you tell me to enlighten me about your behavior the first three weeks of March 2022, when it comes to living in 35th Avenue?

ATTY LINNENBACH: Well, she said the mattress arrived the first, on the 24th. She hasn't told you when she completed the move, so can you not keep trying to lock her into that.

LOUIE: Sorry, guys. This is very easy explained.

SR. INV KELLY: Please do.

LOUIE: George has another home in San [Rafael] where his wife lives. They're temporary separated, he spends three or four days in San [Rafael] and three or four days in San Francisco whenever he wants. So we don't always see each other, and to his knowledge, he sees me—it just so happens that we see each other often. Right? So he thinks that I'm continuously here because he sees me on the news, he sees me dah, dah, dah, and he texts me every day, "Hey, I saw you on the news. You're on the corner of 19th Avenue and you know, Lincoln." So he sees me as somebody continuously staying here.

SR. INV KELLY: Okay, so let me break it down.

LOUIE: But he doesn't spend every night at this address.

SR. INV KELLY: Okay.

LOUIE: He does go back home to see his wife.

SR. INV KELLY: Okay.

Ms. Louie provided our Office with an e-mail regarding the delivery of a mattress on March 24, 2022, though the confirming email she provided the Office did not include a delivery address and only listed her 22nd Avenue address as her billing address. Ms. Louie did not provide any utility bills for the 35th Avenue address but explained that her lease includes utilities.

Ms. Louie provided copies of mail sent to 35th Avenue, but did not submit any USPS change-of-address forms indicating that she changed her permanent mailing address to 35th Avenue before she filed her candidacy papers. When asked why she didn't change her mailing

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address from her District 10 residence, she said, "I don't know where I'll be in 5, 10, 15 years from now. I could be moving in 10 years, but mail will always go there."

Ms. Louie provided copies of two statements from Chase Bank sent to the 35th Avenue address, including a mortgage statement for her home in District Eleven on Ramsell Street with a May 10, 2022 statement date. She also submitted ten statements from campaign allies and supporters, and one statement from her fiancé Robert Lowe, stating they have visited her home or attended social gatherings at that address. The social gatherings referenced in the statements include a March 26, 2022 housewarming party, a potluck sometime in April 2022, a May 13, 2022 dinner party, and a June 9, 2022 campaign event. Ms. Louie also provided photographs of the 35th Avenue apartment, showing furniture and documenting the March 26 housewarming party. Due to the pressing need to advise the Department of Elections on a timely basis, our Office was unable to interview the persons who submitted these statements. For the sake of this analysis, we assume that these statements are true. But hosting social events do not indicate regular physical presence and an intent to remain that address. Further, only one of these gatherings was held in the 30 days preceding the date on which Ms. Louie filed her declaration of candidacy. Also, while Ms. Louie invited us to visit the residence in District Four, we did not because the status of her residence at this time is not relevant to this factual inquiry into the time frame before she filed her declaration of candidacy.

As mentioned above, on April 3, Ms. Louie cast a vote in the April 19, 2022 special election using the Bridgeview Drive address in District Ten, signing under penalty of perjury, thus notifying the Department of Elections that her voter registration should be in District Ten. She subsequently re-registered to vote at 35th Avenue in District Four on May 7, 2022. Thereafter, she cast a ballot in the June 7, 2022 primary election relying on the 35th Avenue address.

On her declaration of candidacy, Ms. Louie listed 35th Avenue as her home address.

**C. District Nine – 23rd Street**

Ms. Louie is engaged to be married to Robert Lowe. Ms. Louie occasionally stays at Mr. Lowe's home on 23rd Street. Ms. Louie stated that she has used the 23rd Street home as a business office since 2019. Mr. Lowe has not joined her at the 35th Avenue address, and Ms. Louie says that they have not decided on their living situation after the November 8, 2022 election.

As discussed further below, Ms. Louie purchased a home in District Eleven with her fiancé – and the deed of trust for that property listed Ms. Louie's address as the 23rd Street address, in District Nine.

**D. District Eleven – Ramsell Street**

On April 2, 2021, Ms. Louie purchased a home on Ramsell Street in District Eleven with her fiancé, Mr. Lowe. During her interview, Ms. Louie stated that this was the only property she has ever owned in the City. Ms. Louie said that the Ramsell Street house was not ready for occupancy upon purchase. As of March 2022, Ms. Louie stated that the necessary renovations were complete, and that her teenage son and her adult son moved into Ramsell Street. In addition to her sons, her fiancé, Mr. Lowe, also has a room at Ramsell Street, but it was not clear

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how often he stays at that address. But Ms. Louie also stated that she has never spent the night at that home, even though both of her sons currently live at Ramsell Street.

Although Ms. Louie stated that she has never stayed at Ramsell Street, the deed of trust for that property, dated April 2, 2021, states:

Borrower shall occupy, establish, and use the Property as Borrower's principal residence within 60 days after the execution of this Security Instrument and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless Lender agrees in writing, which consent shall not be unreasonably withheld, or unless extenuating circumstances exist which are beyond Borrower's control.

Any investigation or analysis of Ms. Louie's compliance with the loan requirements in the deed of trust is outside the scope of this investigation and not relevant to our analysis here.

On December 2, 2021, the Department of Building Inspection ("DBI") posted a Notice of Violation ("NOV") at the Ramsell Street address, in response to complaints that construction debris was left in front of the property. DBI records regarding the NOV document a telephone call with the property owner:

Phone call received by the property owner regarding the NOV and the occupancy of building, she said they will move in the property within the next two weeks and she will provide the documents of proof of occupancy to the inspector

Ms. Louie cast a vote-by-mail ballot on February 2, 2022 for the February 15, 2022 recall election. On that ballot, Ms. Louie hand wrote an address that ended in "Street" – but she eventually crossed out that address and placed a mailing label over her own handwriting that listed Bridgeview Drive, in District 10, as her address. During her interview, our Office asked about this discrepancy, particularly since neither of Ms. Louie's District Four addresses end in "Street":

SR. INV KELLY: Okay. So you've asked your questions, but I'd still like an answer to my question. What is that new address that you wrote in there and then pasted that label over?

ATTY CHUNG: If you remember.

LOUIE: Yeah, I don't remember.

SR. INV KELLY: Can you think of any address that ends in Street.

ATTY CHUNG: Don't speculate.

SR. INV KELLY: That you considered yourself to be having as an address.

ATTY CHUNG: Only answer if you know what you put there.

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LOUIE: I might have, I'm not sure. I might have put . . . Ramsell, but I had not moved in there yet and that's why I crossed it out.

SR. INV KELLY: Is it possible that you wrote down . . . 23rd Street?

LOUIE: It might be possible, I don't know.

SR. INV KELLY: Okay.

Notably, Mr. Lowe submitted an August 22, 2022 letter in support of Ms. Louie's domicile in District Four that listed his own address as Ramsell Street, suggesting that he is more than an occasional visitor to the property where Ms. Louie's sons also reside.

**E. Subsequent documents provided by Ms. Louie's attorneys**

After the August 22 interview, Ms. Louie or her attorneys submitted additional documents describing her recent attempts to change her address to 35th Avenue in District Four. For example, Ms. Louie submitted evidence that she changed the address for her Verizon account, driver's license, and AAA account. Ms. Louie also submitted a copy of a renter's insurance policy with the State Farm Insurance Copy, with an effective date of August 16, 2022.

But these recent documents are irrelevant here since they do not bear on the question of Ms. Louie's domicile on May 3, 2022, 30 days before she filed her declaration of candidacy for the Board of Supervisors.

**III. DISCUSSION**

**A. Under the Charter, Ms. Louie must establish domicile in District Four at least 30 days before she files a declaration of candidacy for that office.**

San Francisco has eleven Supervisors who serve as its legislative body. Each Supervisor is elected by the voters of a distinct supervisorial district. *See* Charter §§ 2.100, 13.110(a), (b).

To ensure that each candidate for Supervisor, and each elected Supervisor, possesses a sufficient connection with the district from which that person seeks to be or has been elected, the Charter requires that the Supervisor be a resident of the district before seeking office and throughout the Supervisor's term. Specifically, the Charter provides that each San Francisco Supervisor "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 for the office of supervisor, and must continue to reside therein during his or her incumbency, and upon ceasing to be such resident shall be removed from office." Charter § 13.110(e).

While the Charter conditions one's ability to serve as Supervisor on where one "resides" or "ha[s] resided," neither the Charter nor the City's Municipal Elections Code ("MEC") specifically defines that term (including its variants, such as "resident" or "residence"). But the Charter specifies that where local law is silent, "all City and County elections shall be governed by the provisions of applicable state laws." Charter § 13.100.

California statutes, in turn, make clear that where one "resides" for electoral purposes turns on where one is domiciled. Under California Elections Code section 349(a), "[r]esidence" for voting purposes means a person's domicile." Government Code Section 244 likewise defines "residence" in terms that – although not employing the word "domicile" – equate to that concept.

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*See Walters v. Weed*, 45 Cal.3d 1, 7 (1988); *Smith v. Smith*, 45 Cal.2d 235, 239 (1955). Moreover, the Attorney General has explained that the term “residence” “generally . . . connote[s] ‘domicile,’ i.e., the place where a person's habitation is fixed, at which the person intends to remain, and to which the person intends to return whenever absent.” 75 Ops. Cal. Atty. Gen. 287, 289 (1992).

Accordingly, whether Ms. Louie satisfies Charter Section 13.110(e)'s residency requirements depends on whether she has established her “domicile” in District Four at least 30 days before she filed to run as Supervisor in that district.

**B. Physical presence and intent to remain are both necessary to establish a domicile.**

Under the law, a domicile is more than a mere residence. “[T]he test for determining a person's domicile is physical presence plus an intention to make that place his permanent home.” *Fenton v. Bd. of Directors of Groveland Community Services Dist.*, 156 Cal. App. 3d 1107, 1116 (1984). Beyond just being a place that one inhabits, one's domicile is the place where one's “habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning.” Cal. Elec. Code § 349(b). A person's domicile is “the place where one remains when not called elsewhere for labor or special or temporary purpose, and to which he or she returns in seasons of repose.” Cal. Gov't Code § 244(a). As the California Supreme Court has explained, a person's

‘domicile’ 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*, 45 Cal.2d at 239. While a person may have multiple residences, he or she can only have one domicile. *See* Elec. Code § 349(b), (c); *Smith*, 45 Cal.2d at 239.

Courts generally hold “that two elements are indispensable” to establishing domicile in a particular place: actual residence plus the intent to remain there. *DeMiglio*, 4 Cal. App. 4th at 1268. “The acquisition of a new domicile requires the union of act and intent.” *Walters*, 45 Cal.3d at 14; Cal. Gov't Code § 244(f). Therefore, a person's mere intent to make a certain location his domicile is not meaningful legally, unless and until the person actually inhabits that location with the intent to live there permanently. Cal. Elec. Code § 2024. “A person does not gain a domicile in any precinct into which he or she comes for temporary purposes merely, without the intention of making that precinct his or her home.” *Id.* § 2021(b).

**C. When a candidate acquires a new domicile, the candidate has the burden of showing a change in domicile.**

Once a person establishes domicile in one place, the individual does not lose that domicile “until a new one is acquired.” 84 Ops. Cal. Atty. Gen. 154 (2001). Further, when a candidate is acquiring a new domicile to establish eligibility – like Ms. Louie – “she has the burden of demonstrating such a change of domicile.” 90 Ops. Cal. Atty. Gen. 82 (2007) (citing *DeMiglio*, 4 Cal.App.4th at 1268-69).

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During March – May 2022, the time in which Ms. Louie claimed to establish a *new* domicile at 35th Avenue in District Four, according to Ms. Louie's own statements and the documents our Office were able to review:

- She continued to at least occasionally stay at Bridgeview Drive in District Ten;
- She continued to use Bridgeview Drive in District Ten as her regular mailing address – including on her declaration of candidacy to run for the District Four seat on the Board of Supervisors;
- On April 3, she cast a ballot for the April 19, 2022 special election and handwrote her address as Bridgeview Drive in District Ten, under penalty of perjury, because she considered that home to be her residence;
- She used Bridgeview Drive in District Ten as her address on her driver's license;
- She occasionally stayed at her fiancé's home on 23rd Street in District Nine, and she also used that address for business purposes;
- She jointly owned a home on Ramsell Street in District Eleven, with her fiancé; and
- When renovations were completed in February or March 2022, her sons – including a teenage son in high school – moved into the Ramsell Street home in District Eleven that she owned, while Ms. Louie *separately* entered in a month-to-month lease for a rental on 35th Ave where she resides alone.

As described above, Ms. Louie has ties to a variety of residences across the City in several different districts. During her interview, our Office asked how she decides which one to stay at each night:

DCA STEWART: So how do you choose between Ramsell [in District Eleven] or Bridgeview [in District Ten] when you're working late? How do you decide where you're going to go?

LOUIE: Since when?

DCA STEWART: I'm just curious what are the factors you consider, in terms of where you're going to sleep at night.

LOUIE: Well, Ramsell wasn't ready to be occupied until like after March.

DCA STEWART: Right. But you had said you were at your father's home at Bridgeview on April 3rd, the day that you voted there.

LOUIE: Yeah?

DCA STEWART: So I'm just curious how do you decide. It sounds like you actually have a lot of places that you can stay. Right?

LOUIE: Yeah.

DCA STEWART: You can stay at your fiancé's home.

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LOUIE: Uh-huh.

DCA STEWART: You can stay at Ramsell [in District Eleven] where your sons live, you can stay at your father's house [in District Ten], and you have this month-to-month lease out on 35th Avenue [in District Four].

LOUIE: Yes.

DCA STEWART: So what are the factors that determine for you where you should go each night?

LOUIE: It just depends where I'm closest working at that day. Yeah, it depends on my work of the day and what time I finish.

DCA STEWART: So do you have like toiletries at every single location?

LOUIE: Pretty much, yes.

DCA STEWART: Are there any where you don't have them?

LOUIE: I don't particularly have it at Ramsell, I don't have my toothbrush there.

DCA STEWART: Okay. But at the others you do?

LOUIE: Yes, at my father's house and at 35th Avenue, yes.

The facts and documents our Office has been able to gather demonstrate a significant number of inconsistencies about where Ms. Louie lived after she claims to have begun her residency in District Four on March 1, 2022. As described in the excerpt above, where Ms. Louie currently sleeps on any given night may change on a daily basis. And while she does have a month-to-month lease for an address in District Four and a number of her friends and acquaintances have visited her at that address, Ms. Louie simultaneously owns a home in District 11 where her fiancé and her sons reside. Meanwhile, she continues to spend nights at her family home in District Ten and spends nights at a District Nine address that she has used for business purposes.

**D. This situation is different from the previous matters involving Ed Jew and Chris Daly.**

Lastly, this analysis and conclusion differs significantly from the residency matters that our Office has previously examined in public memoranda and legal filings. At one end of the spectrum, in 2007, our Office examined the circumstances around Supervisor Edmund Jew's residency in District Four and found little evidence he made any attempt to establish domicile *anywhere in the City* much less in District Four. In contrast, here Ms. Louie has established domicile in the City, in District 10 for many years, but while Ms. Louie did make efforts to reside in District Four, she has not produced evidence of sufficient steps to establish that she changed her domicile to District Four, the district she seeks to represent on the Board of Supervisors, by May 3, 2022. On the other end of the spectrum, in 2009, our Office concluded that Supervisor Chris Daly did not *lose* his residency in District Six, due to his family's purchase of a home in Fairfield and his wife and children's residence at that address. Unlike Ms. Louie,

**MEMORANDUM**

TO: John Arntz  
Director of Elections  
DATE: August 26, 2022  
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because Supervisor Daly had already established domicile in District Six before those developments, he did not have to establish a *new* domicile and his other substantial ties to District Six did not change at all.

**IV. CONCLUSION**

In sum, the burden is on Ms. Louie to show by a preponderance of the evidence that she changed her domicile from District Ten to District Four before the deadline required by the Charter to qualify to run for Supervisor to represent District Four. Based on the facts from the documents and information Ms. Louie and her attorneys provided to us, we conclude that Ms. Louie has not met her burden of demonstrating that she has changed her domicile from District Ten to District Four by May 3, 2022, 30 days before she filed her declaration of candidacy.

If she had re-registered to vote at the 35th Avenue address in District Four on May 3 (instead of May 7) – or waited four more days to file her declaration of candidacy (June 7 instead of June 3) – it would be a closer question about whether she met her burden in establishing domicile to meet the Charter requirement, but the facts are clear that she did not even register to vote in District Four by 30 days before she filed her candidacy papers. Even if she had, she still would have fallen short under the other facts she has established to date.

Ms. Louie has provided very little information to us about her actions between April 3 (when Ms. Louie voted and attested to her residency at Bridgeview Drive in District Ten) and May 3 (30 days before declaring her candidacy in District Four). The efforts she has made since May 3 and continuing into the present to shore up proof of her residency in District Four cannot support her claim to have established residency 30 days before declaring her candidacy on June 3, 2022. On this record, Ms. Louie has not met her burden of establishing a change in domicile from District Ten to District Four.