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State of California

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OPINION	:	
	:	No. 25-901
of	:	
	:	November 20, 2026
ROB BONTA Attorney General	:	
RYAN B. McCARROLL Deputy Attorney General	:	

LEON WILLIAMS, a registered voter in Stockton City Council District 6, has applied for permission, or leave, to bring a quo warranto action for the purpose of resolving whether JASON LEE is eligible to represent the district on the Stockton City Council.

The materials that have been brought to our attention raise substantial questions about whether Lee resided in Stockton City Council District 6 for a period of not less than 30 days prior to the filing of his nomination papers as required under the Stockton City Charter. Resolving these questions by way of a quo warranto action would be in the public interest. The application is therefore GRANTED.

BACKGROUND

Stockton City Councilmembers Must Have Resided in Their Respective Districts for at Least 30 Days Prior to the Filing of Their Nomination Papers

The California Legislature has established that, as a general rule, a person is not eligible to be "elected" to a state or local office "unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are

issued to the person."[1] It has similarly established that a person is not eligible to "hold" elected office in a general law city unless the person "was a registered voter of the city at the time nomination papers are issued to the candidate."[2] And, if the office is elected by district, the person must have also "resided in the geographical area making up the district."[3]

Many charter cities and counties, including the City of Stockton, impose stricter residence requirements on their own elected officials.[4] In particular, many cities and counties add "durational" elements that require candidates for elected office to maintain a qualifying residence for a specified period of time before seeking office.[5] Historically, these requirements were measured in years.[6] But the California Supreme Court has held that the federal equal protection clause forbids a city from requiring a candidate to reside in the city for more than 30 days prior to the filing of nomination papers.[7]

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[1] Elec. Code, § 201; *Schaefer v. Townsend* (9th Cir. 2000) 215 F.3d 1031, 1039 (statute is unconstitutional as applied to congressional candidates).

[2] Gov. Code, § 36502, subd. (a); see Gov. Code, § 34102 ("Cities organized under the general law shall be 'general law cities'").

[3] Gov. Code, § 34882.

[4] See Cal. Const., art. XI, § 3, subd. (a) ("For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. . . . The provisions of a charter are the law of the State and have the force and effect of legislative enactments").

[5] See *Johnson v. Hamilton* (1975) 15 Cal.3d 461, 465 (addressing the constitutionality of "durational" residence requirements as applied to candidates for local office); see also *Developments in the Law—Candidate Eligibility Requirements* (1975) 88 Harv. L. Rev. 1217, 1225-1230 ("Almost every state limits eligibility for important state offices to citizens who have satisfied durational residence requirements").

[6] See, e.g., *Sheehan v. Scott* (1905) 145 Cal. 684 (City and County Charter of San Francisco required Tax Collector to have been an elector for at least five years prior to election); see also *Johnson v. Hamilton*, *supra*, 15 Cal.3d at p. 468 (discussing cases that involved durational residence requirements of five years, three years, and two years).

[7] *Johnson v. Hamilton*, *supra*, 15 Cal.3d at p. 472. The Court reasoned that durational residence requirements are subject to strict scrutiny when applied to candidates, just as they are when applied to voters. (*Id*. at p. 468; see *Dunn v. Blumstein* (1972) 405 U.S. 330, 342.) The Court also determined that these requirements do not serve a compelling government interest other than "to accommodate the needs of election officials in their task of timely verification of the candidate's true residence prior to the preparation and distribution of ballots." (*Johnson v. Hamilton*, *supra*, 15 Cal.3d at pp. 469-472.) And it

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The Stockton City Charter is consistent with California Supreme Court authority. As relevant here, the Charter states in section 601(f) that "[e]ach member of the Council must reside in and be a qualified elector of the district from which said member is nominated and elected or appointed for a period of not less than 30 days prior to the filing of his nomination papers or his appointment." Although the Charter does not elaborate on the meaning of this requirement, "'qualified elector' is a term that has long been used in California law to refer to registered voters, without further qualification."[8] And requiring a person to "reside" in a district incorporates "the legal concept known as 'domicile.'"[9]

Under state law, every person has one and only one domicile at a time.[10] This is the single place in which the person'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."[11] It is not a place "in which the person's habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining."[12]

A person's domicile "is presumed to continue until it is shown that a new domicile has been acquired. A change of domicile requires both a physical presence in the new locality plus the intent to make that place one's new home."[13] So, for example, a "mere intention to acquire a new domicile, without the fact of removal avails nothing."[14]

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concluded that requiring a candidate to reside in a particular district for more than 30 days before filing nomination papers would not be "reasonably necessary and convenient" to satisfy the needs of election officials. (*Id*. at p. 472; see *People ex rel. Alameda County Taxpayers' Assn., Inc. v. Brown* (2025) 114 Cal.App.5th 919, 937.)

[8] *City of San Diego v. Shapiro* (2014) 228 Cal.App.4th 756, 773; see *Neilson v. City of California City* (2005) 133 Cal.App.4th 1296, 1313; see 89 Ops.Cal.Atty.Gen. 44, 46 (2006).

[9] 105 Ops.Cal.Atty.Gen. 111, 116 (2022).

[10] Elec. Code, § 349, subds. (a), (b); see Gov. Code, § 244, subd. (b).

[11] Elec. Code, § 349, subd. (b); see Gov. Code, § 244, subd. (a) (referring to "the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose").

[12] Elec. Code, § 349, subd. (c).

[13] 90 Ops.Cal.Atty.Gen. 82, 86 (2007), citation omitted.

[14] *Ibid*., quoting Elec. Code, § 2024.

The Parties Dispute Whether Jason Lee Resided in Stockton City Council District 6 for at Least 30 Days Before He Filed His Nomination Papers

On November 27, 2023, proposed defendant Jason Lee submitted to the Stockton City Clerk nomination papers to run in the 2024 primary election for the seat on the Stockton City Council representing District 6.[15] He received a plurality of the votes at the primary election and a majority of the votes at the general election.[16] He was sworn into office on January 7, 2025.[17]

There appears to be no dispute that Lee was registered to vote in District 6 throughout the 30-day period that preceded the filing of his nomination papers as required under the Stockton City Charter. Indeed, he had updated his affidavit of voter registration on October 26, 2023, to indicate that he was residing at a house on Bandoni Drive.[18] This was 32 days before he filed his nomination papers.[19] He updated the affidavit again on November 15, 2023, to indicate that he had moved to a house on Jetty Drive.[20] There is no dispute that both houses were in District 6. And, because Stockton City Charter section 601(f) requires a councilmember to have resided in and been a qualified elector of their "district," there is no suggestion that a change of address within the same district would be disqualifying by itself.[21]

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[15] Williams, Appl. for Leave (Oct. 23, 2025), Ex. F.

[16] San Joaquin County Registrar of Voters Olivia Hale, Statement of Votes Cast at the 2024 Primary Elec. (certified Apr. 2, 2024), p. 14; Hale, Statement of Votes Cast at the 2024 General Elec. (certified Dec. 3, 2024), p. 15.

[17] City of Stockton, Mins. of the Reg. Meeting of the City Council (Jan. 7, 2025).

[18] See Appl. for Leave, Ex. F. Prior to October 26, 2023, Lee was registered at an address on Mariners Drive in Stockton City Council District 3. (*Ibid*.) Lee has proffered evidence that the registration on Mariners Drive was a mistake. (Lee, Resp. to Appl. for Leave (Dec. 3, 2025), Decl. of Andrew Willians (Dec. 3, 2025) p. 3.) But he has not indicated how long that mistake persisted, or where in fact he had been registered to vote before then. In other words, we have received no indication that he was registered on Bandoni Drive or anywhere else in District 6 prior to October 26, 2023.

[19] Cf. Elec. Code, § 2020 ("The term of domicile is computed by including the day on which the person's domicile commenced and by excluding the day of the election").

[20] See Appl. for Leave, Ex. F.

[21] Stockton City Charter, § 601, subd. (f); see 103 Ops.Cal.Atty.Gen. 33, 38 (2020) (a person "need not intend to make a specific house or dwelling his or her permanent home in order to establish a domicile within the relevant electoral jurisdiction"); 101 Ops.Cal.Atty.Gen. 16, 21 (2018) ("there is no requirement for an intent to

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But, according to proposed relator Leon Williams, Lee did not actually "reside" at either of the houses that he listed on his affidavit of voter registration during the 30-day period that preceded the filing of his nomination papers. Instead, Williams posits that Lee resided in Los Angeles. Williams points to three undisputed facts: (1) Lee maintains a residence in Los Angeles,[22] (2) he is active in the entertainment industry, most notably as the founder of Hollywood Unlocked, Inc.,[23] and (3) he has used addresses in Los Angeles when registering various commercial entities with the Secretary of State.[24]

Williams also proffers hundreds of pages of declarations, deposition transcripts, and other materials that his attorney received in the course of a civil rights action that had been brought by one of Lee's opponents in the 2024 primary election.[25] These materials include a declaration from Beverly Small, who is Lee's sister's mother-in-law, on the question of whether Lee truly resided on Bandoni Drive for at least 30 days before he filed his nomination papers.[26] Small's declaration states in pertinent part:

> I moved into the Bandoni Drive home in approximately September 2022. Prior to moving in, I babysat my three grandchildren at their home on a semi-regular basis.
>
> Jason Lee never lived at [the house on] Bandoni Drive. Jason Lee would drop in to visit his sister . . . with gifts for the children, but he never spent the night.
>
> Jason Lee resides in LA. I have heard him and others discuss that this is where he lives.[27]

The proffered materials also include transcripts of deposition testimony from Lee's sister Tamica Small and her husband Errick Small.[28] They testified that, contrary

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permanently remain at a particular *dwelling*; instead, what matters is the intent to permanently remain in the *district*") (original italics).

[22] See Resp. to Appl. for Leave, Decl. of Jason Lee (Dec. 3, 2025) (Lee Decl.) at 1, 3.

[23] See *id*. at 3.

[24] Williams, Reply to Resp. to Appl. for Leave (Dec. 19, 2025) Exs. E, F, and G.

[25] See *White v. City of Stockton et al*., San Joaquin County Superior Court case no. STK-CV-UCR-2024-0007752. The State of California was not a party to the cited action, and we express no view on the claims raised therein.

[26] Appl. for Leave, Ex. A, Decl. of Beverly Small (Jan. 28, 2025) (Small Decl.).

[27] *Ibid*., paragraph numbers omitted.

[28] Appl. for Leave, Ex. I, Rep.'s Tr. of Dep. of Errick Small (Aug. 27, 2025) (RT-ES); Appl. for Leave, Ex. J, Rep.'s Tr. of Dep. of Tamica Small (Aug. 27, 2025) (RT-TS).

to the declaration from Beverly Small, Lee had been living with them and their three children for three or four years up to and including the beginning of the 30-day period before he filed his nomination papers.[29] They also testified that Beverly Small did not start living with them until after Lee moved to his own house on Jetty Drive.[30]

During these depositions, Tamica Small did not recall the amount of time that Lee stayed with them in Stockton instead of at his own house in Los Angeles.[31] But Errick Small testified that Lee stayed with them less than two weeks per month.[32] In other words, he stayed with them less than fifty percent of the time. And they both indicated that, whenever Lee stayed with them, he slept on a couch in their living room.[33]

Tamica and Errick Small also testified that Lee kept some of his clothes at their house and that his name appeared on their utility bills.[34] Tamica Small did not recall when this billing arrangement started, but Errick Small testified that it had been that way "[s]ince he's been there."[35] They also indicated that Lee's name remained on the bills, and that he continued to contribute money for household expenses, up to and including the date of their depositions in August 2025—over twenty months after he registered his new address on Jetty Drive in November 2023.[36]

The proffered materials also include billing records from the University Plaza Waterfront Hotel in Downtown Stockton. These records relate in large part to conferences held by Hollywood Cares Foundation, Inc., a nonprofit corporation that Lee had registered with the Secretary of State over a year earlier. But the records also indicate that someone booked a single room in Lee's name for the night of November 14, 2023, which was the date that he received nomination papers from the City Clerk. And someone booked three rooms in his name for the night of November 27, 2023, which was the date that he returned the nomination papers to the Clerk.

Finally, as pertinent here, the proffered materials include a transcript of deposition testimony from Lee himself.[37] Lee testified that, with respect to the neighborhoods

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[29] RT-ES at 13, 18; RT-TS at 11.

[30] RT-ES at 10, 19-20; RT-TS at 18, 39.

[31] RT-TS at 19-20.

[32] RT-ES at 22.

[33] RT-ES at 25, 28; RT-TS at 15.

[34] RT-ES at 22, 26-27, 29; RT-TS at 21-22, 25.

[35] RT-ES at 30; RT-TS at 14.

[36] RT-ES at 30; RT-TS at 14.

[37] Appl. for Leave, Ex. G, Rep.'s Tr. of Dep. of Jason Lee (Apr. 16, 2025) (RT-JL).

located in Stockton City Council District 6, "[T]hat's where I grew up and that's where my family is and that's where my community is."[38] Regarding the house on Bandoni Drive, Lee testified that it had been "one of" his "residences" for "three [or] four years."[39] He elaborated, "[W]hen I would be here [in Stockton], that's where I would stay."[40] "If my friends were in town, they stayed at a hotel. I stayed with them."[41] He described his sleeping arrangements as varying between the "[c]ouch, one of the beds. Just depends."[42] And, although he could not estimate how often he had stayed at the house on Bandoni Drive, he knew he had been there on "[m]ultiple occasions."[43]

In response to the application for leave to bring a quo warranto action, Lee argues that the questions regarding his compliance with Stockton City Charter section 601(f) are without merit.[44] He declares that he has "always considered District 6 to be [his] home," and that the house on Bandoni Drive was his legal domicile for "at least three years" before he moved to his new domicile on Jetty Drive.[45] He elaborates:

> Although I could have rented my own home in Stockton prior to November 14, 2023, I wanted to live with my sister, with whom I am close, and with my niece and nephews so that I could get to know them better. In addition, because I travel so often for work, it made sense for me to share a residence in Stockton with my family rather than having my own place that would often stand empty while I had to be away.[46]

He also explains that, although he has kept a house in Los Angeles at all relevant times, he has done so only "to avoid having to regularly stay in hotels."[47] Indeed, his

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[38] *Id*. at 62.

[39] *Id*. at 74, 76-77.

[40] *Id*. at 77.

[41] *Ibid*.

[42] *Id*. at 202.

[43] *Id*. at 75-77.

[44] Lee also argues that the application is procedurally defective in several regards. But the materials submitted to us indicate that he received advance notice, adequate service, and a reasonable opportunity to respond to the questions regarding his compliance with Stockton City Charter section 601(f). (See Cal. Code Regs., tit. 11, §§ 2-3.)

[45] Lee Decl. at 2-4.

[46] *Id*. at 4.

[47] *Ibid*.

profession requires him "to spend substantial time" in Los Angeles.[48] For example, he is the host of "a weekly podcast during which [he] interview[s] Hollywood celebrities."[49] The eponymous podcast "is recorded at a studio in Los Angeles in order to be convenient for the celebrities who appear as guests."[50]

Lee has also proffered a letter from the Stockton City Clerk dated November 4, 2024, confirming that he had been registered to vote in Stockton City Council District 6 for at least 30 days before he filed his nomination papers.[51] He has also provided a redacted copy of a lease agreement dated November 14, 2023, for the house on Jetty Drive.[52] And he has proffered a declaration from his assistant Andrew Willins explaining that Willins had booked hotel rooms in Lee's name for use by a videographer, security officer, driver, and Willins himself—but not for Lee.[53]

Finally, as pertinent here, Lee has attached a copy of an application form that he submitted on November 1, 2023, for a license to carry a concealed weapon.[54] On the form, he listed his "residence address" as being on Bandoni Drive.[55] He also indicated that he did not have any "previous residence addresses for the last five years."[56] And he disclosed on the form that he had previously used the name Jason Johnson, pointing to "Los Angeles, California, [Superior Court case number] 22SMCP00279."[57]

ANALYSIS

The provisions in Code of Civil Procedure section 803 et seq. codify the common law writ of quo warranto in this State.[58] The statutes provide in pertinent part that the Attorney General may bring an action for the purpose of obtaining a judicial resolution

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[48] *Id*. at 3.

[49] *Ibid*.

[50] *Ibid*.

[51] Lee Decl., Ex. A, Letter from Interim City Clerk Katherine Roland (Nov. 4, 2024).

[52] Lee Decl., Ex. B.

[53] Resp., Decl. of Andrew Willins (Dec. 3, 2025).

[54] Lee Decl., Ex. C.

[55] *Ibid*.

[56] *Ibid*.

[57] *Ibid*.; see *In re Jason Lee Johnson*, Los Angeles County Superior Court case number 22SMCP00279 (change-of-name petition signed June 8, 2022, and granted Sept. 9, 2022).

[58] *Daly v. San Bernardino County Bd. of Supervisors* (2021) 11 Cal.5th 1030, 1051.

on the question of whether a particular person is "unlawfully holding" a "public office."[59] If the answer to this question is "yes," then "judgment must be rendered that such defendant be excluded from the office."[60]

A private party may bring a quo warranto action if—and only if—they have requested and received leave from the Attorney General.[61] Courts have observed that "[t]he Attorney General 'enjoys considerable discretion' in determining whether to authorize a particular quo warranto action."[62] In particular, the Attorney General has "discretion to evaluate the proposed action and address three relevant inquiries: 1. Is quo warranto the proper remedy to resolve the issues which are presented? 2. Has the proposed relator raised a substantial question of law or fact? 3. Would the public interest be served by judicial resolution of the question?"[63]

"It is well established that in determining whether to grant leave to sue in quo warranto, the Attorney General does 'not attempt to resolve the merits of the controversy.'"[64] Rather, the role of the Attorney General is "to determine whether there exists a state of facts or question of law that should be determined by a court."[65] In other words, "the action of the Attorney General is a preliminary investigation, and the granting of the [application for] leave is not an indication that the position taken by the relator is correct."[66]

The Questions Presented Could Be Resolved in a Quo Warranto Action

As mentioned, we typically begin our quo warranto analysis by considering whether the proposed relator is seeking to "exclude" a person from a "public office" by

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[59] Code Civ. Proc., §§ 803, 809.

[60] Code Civ. Proc., § 809.

[61] Cal. Code Regs., tit. 11, § 1; see *People ex rel. Internat. Assn. of Firefighters, etc. v. City of Palo Alto* (2024) 102 Cal.App.5th 602, 619-620; *Rando v. Harris* (2014) 228 Cal.App.4th 868, 875; *People ex rel. Conway v. San Quentin Prison Officials* (1963) 217 Cal.App.2d 182, 183.

[62] *Internat. Assn. of Firefighters*, *supra*, 102 Cal.App.5th at p. 619, quoting *Rando v. Harris*, *supra*, 228 Cal.App.4th at p. 875.

[63] *Ibid*., quoting *Rando v. Harris*, *supra*, 228 Cal.App.4th at pp. 878-879, typographic marks omitted.

[64] *Rando v. Harris*, *supra*, 228 Cal.App.4th at p. 879.

[65] 105 Ops.Cal.Atty.Gen., *supra*, at p. 119, fn. 41, quoting 12 Ops.Cal.Atty.Gen. 340, 341 (1948).

[66] *Ibid*.

alleging that the person is holding the office "unlawfully."[67] If so, then quo warranto would typically be "the proper remedy to resolve the issues which are presented."[68]

Here, there is no doubt that Lee holds a "public office" as a member of the Stockton City Council.[69] And there is no ambiguity regarding Williams's desire to "exclude" Lee from this office. Nor does Lee dispute that the questions raised in the application for leave to sue would, if resolved against him at trial, make it "unlawful" for him to remain in his current office.

Indeed, we have previously granted quo warranto applications that accused incumbent office holders of not complying with durational residence requirements that applied under city or county charters.[70] And there is not a meaningful distinction between those requirements and the one at issue here. We therefore conclude that the questions raised by Williams could be resolved by way of a quo warranto action.

The Questions Presented Are Legally and Factually Substantial

Having concluded that the questions raised by Williams could be resolved through a quo warranto action, we next consider whether the questions are sufficiently substantial in both law and fact to call for judicial attention. As mentioned, our task is not to resolve these questions ourselves, nor to predict what the resolution might be at trial.[71] Rather, our task is to perform a "preliminary" assessment to determine "whether there exists a state of facts or question of law that should be determined by a court."[72]

Here, as previously mentioned, Stockton City Charter section 601(f) states that each member of the City Council "must reside in . . . the district from which said member

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[67] Code Civ. Proc., §§ 803, 809.

[68] *Internat. Assn. of Firefighters*, *supra*, 102 Cal.App.5th at p. 619.

[69] See 103 Ops.Cal.Atty.Gen. 33, 36 (2020).

[70] See, e.g., 90 Ops.Cal.Atty.Gen. 82 (2007) (granting leave to bring quo warranto action based in part on requirement that each member of the San Francisco Board of Supervisors "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"); see also 105 Ops.Cal.Atty.Gen., *supra*, at p. 113 (granting leave based on substantial question whether administrative code provision requiring members of the Alameda County Board of Supervisors to have been an elector of their respective districts for at least one year prior to election applied to a member who was appointed to fill a vacancy).

[71] 105 Ops.Cal.Atty.Gen. 101, 108 (2022); see *People ex rel. Schlesinger v. Sachs* (2023) 97 Cal.App.5th 800, 810; *Rando v. Harris*, *supra*, 228 Cal.App.4th at pp. 879-880.

[72] 105 Ops.Cal.Atty.Gen., *supra*, at p. 119, fn. 41, quoting 12 Ops.Cal.Atty.Gen., *supra*, at p. 341.

is nominated and elected . . . for a period of not less than 30 days prior to the filing of his nomination papers." Based on the materials proffered to us, the question of whether Lee satisfied section 601(f) appears to depend entirely on whether he resided on Bandoni Drive exactly 30 days before he filed his nomination papers. If the answer is "no," then he would be ineligible for office under section 601(f) regardless of whether he subsequently established a domicile in District 6. But if the answer is "yes" such that he was eligible at the beginning of the 30-day period, he would retain his eligibility so long as he did not move his domicile out of the district.[73] And Williams has not articulated a plausible scenario in which Lee would have moved out of the district during this critical 30-day period.

To determine whether the questions presented deserve judicial attention, we begin by considering how a court would likely allocate the burden of proof at trial. The general rule in California is that "the burden is on the defendant office holder to show he or she is 'lawfully holding and exercising the office.'"[74] But this burden is subject to the rule mentioned above that a person's "[d]omicile, once established, is presumed to continue until it is shown that a new domicile has been acquired."[75] So, in a quo warranto action, "the party asserting a change in domicile . . . has the burden of proving such a change."[76] This means that, if "a relator establishes a defendant's domicile outside the relevant locality, the defendant has the burden of showing a change of domicile inside the locality."[77]

Based on this understanding, we begin by considering whether there is a substantial question about whether Lee was domiciled outside of Stockton City Council District 6 in the years leading up to the crucial 30-day period. On this subject, Lee declares, "I was born and raised in Stockton, and much of my family and community live

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[73] See 90 Ops.Cal.Atty.Gen., *supra*, at p. 86 (a person's domicile "is presumed to continue until it is shown that a new domicile has been acquired").

[74] *People ex rel. Schlesinger v. Sachs*, *supra*, 97 Cal.App.5th at p. 817, quoting *People ex rel. Stephenson v. Hayden* (1935) 9 Cal.App.2d 312, 313; cf. *People ex rel. Lacey v. Robles* (2020) 44 Cal.App.5th 804, 818 ("In a quo warranto action, the person holding multiple office—not the party suing in quo warranto—has the burden to prove the offices are compatible").

[75] 90 Ops.Cal.Atty.Gen., *supra*, at p. 86, citing *Walters v. Weed* (1988) 45 Cal.3d 1, 7-8 and *Murphy v. Travelers Ins. Co*. (1949) 92 Cal.App.2d 582, 587.

[76] 105 Ops.Cal.Atty.Gen., *supra*, at p. 116.

[77] 102 Ops.Cal.Atty.Gen. 56, 61 (2019); see 90 Ops.Cal.Atty.Gen., *supra*, at p. 86 ("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"); see also *Sheehan v. Scott*, *supra*, 145 Cal. at p. 689; *DeMiglio v. Mashore* (1992) 4 Cal.App.4th 1260, 1268-1269.

in District 6 in Stockton. I have always considered District 6 to be my home."[78] Although this declaration is entitled to substantial weight, it is not determinative by itself.[79] Rather, we must also consider Lee's prior statements and actions.[80]

In our view, Lee's prior statements raise substantial questions about whether he might have been domiciled in Los Angeles rather than in Stockton as recently as 2022, the calendar year before he filed his nomination papers. As mentioned, Lee has proffered an application for a license to carry a concealed weapon, which states that he had recently filed a change-of-name petition in the Los Angeles County Superior Court.[81] The petition stated that Lee "resides in" Los Angeles County, at least as of June 8, 2022.[82] And the instructions specified that, except in certain circumstances, the petition "must" be filed in "the county where the person whose name is to be changed is a resident."[83] By using the definite article in reference to "the" county where the petitioner is a resident, the instructions conveyed that the petition must be filed in the one and only county of domicile.[84] As such, Lee's choice of venue suggests that he considered Los Angeles County to be his county of domicile at least as of June 8, 2022.

We recognize that the concealed-weapon application indicated that Lee was residing on Bandoni Drive as of November 1, 2023, and that he had no "previous residence addresses for the past five years."[85] But he filed the application after the 30-day residence period had already started to run under Stockton City Charter section 601(f). And, in any event, there is a substantial question about whether the absence of any "previous residence addresses for the past five years" on the concealed-weapon

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[78] Lee Decl. at 2.

[79] See 102 Ops.Cal.Atty.Gen., *supra*, at p. 61.

[80] See *ibid*.

[81] Lee Decl., Ex. C.

[82] *In re Jason Lee Johnson*, Los Angeles County Superior Court case no. 22SMCP00279 (decl. signed June 8, 2022).

[83] Judicial Council of Cal., Form NC-100-INFO (rev. Jan. 1, 2019), italics added; see Code Civ. Proc., § 1276, subd. (a)(1).

[84] See *Pineda v. Bank of America, N.A*. (2010) 50 Cal.4th 1389, 1396 ("use of the definite article 'the' (or 'these' in the instance of plural nouns) refers to a specific person, place, or thing"); see Code Civ. Proc., § 1277, subd. (a)(2)(A) (requiring notice of the petition for a change of name to appear in a newspaper of general circulation published in the county); *In re Monrovia Evening Post* (1926) 199 Cal. 263, 269 (purpose of a publication requirement is to inform the people who are "most vitally interested in the transactions").

[85] Lee Decl., Ex. C.

application can be reconciled with the declaration of residence in Los Angeles County that Lee filed less than 17 months earlier as part of his change-of-name petition.

Moreover, the declaration of residence in Los Angeles County is consistent with unsworn statements that Lee made on other occasions. Stockton Mayor Christina Fugazi appears to have been alluding to one such occasion when she recalled in her deposition that there had been "testimony at the podium to Council that there were questions about residency."[86] Indeed, Lee addressed a question about his residence during presentation to the City Council on September 13, 2022, a year before he filed his nomination papers.[87] After discussing the fact that he was born and raised in Stockton, he told the Council, "I now own a company called Hollywood Unlocked, we're a global media company. I'm based in Los Angeles. A lot of my family is here, and I'm here frequently, more so for funerals and for family gatherings around difficult times."[88] A councilmember later asked him, "Are you living in Stockton now?"[89] He replied, "I'm not, but I'm here frequently. My family is here."[90]

We are also aware from Lee's deposition testimony that, shortly after the general election, he told his podcast audience, "I moved back home, opened an office there, found me a home, made that my domicile, and then ran for local city government."[91] This sequence of events suggests that Lee was domiciled somewhere else before he "moved back home" to Stockton.

For these reasons, we conclude that there is a substantial question about whether Lee was domiciled outside of Stockton City Council District 6 sometime before the 30-day period started to run under section 601(f). But, even if the trier of fact were to conclude that Lee truly had been domiciled outside of the district before the 30-day period started to run, this conclusion would not necessarily mean that Lee was ineligible to run for office. Rather, the trier of fact would still have to consider whether Lee had

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[86] Appl. for Leave, Ex. K, Rep.'s Tr. of Dep. of Christina Fugazi (Aug. 20, 2025) at 19-20.

[87] City of Stockton, Reg. Meeting of the City Council (Sep. 13, 2022) Item 15.7, 22-0876 Discussion on Youth Pilot Program, https://stockton.granicus.com/player/clip/8093.

[88] *Ibid*.

[89] *Ibid*.

[90] *Ibid*.

[91] RT-JL 105; see *The Jason Lee Podcast* (Nov. 8, 2024) https://youtu.be/mPRf-xS5ZLo?si=eg-LvbF2uNXCOYyO&t=53.

established a new domicile in the district sometime before the 30-day period started to run. In this regard, however, the burden of proof would be on Lee.[92]

In our view, there is a substantial question about whether Lee will be able to meet this burden. In particular, there is a substantial question whether he will be able to prove to the trier of fact that he established a new domicile on Bandoni Drive at least 30 days before he filed his nomination papers. As mentioned, a declaration from his sister's mother-in-law Beverly Small states that he "never spent the night" at the house on Bandoni Drive while she was living there from "approximately September 2022" until sometime after he filed his nomination papers.[93] The declaration is significant because "[a] change of domicile requires both a physical presence in the new locality plus the intent to make that place one's new home."[94] And, if a person has not "physically resided" at a particular location during the preceding year, there is a rebuttable presumption that the location is not their domicile.[95]

To be sure, there is substantial evidence upon which the trier of fact might conclude that Beverly Small was mistaken about the year in which she moved into the house on Bandoni Drive. For example, Lee's sister Tamica Small and her husband Errick Small indicated in deposition testimony that Beverly Small did not start living with them until November 2023, when Lee moved to his own house on Jetty Drive.[96] But we have not received any independent evidence establishing which of the two competing timelines is correct. And, in any event, we are not the trier of fact.[97]

Moreover, statements from Tamica and Errick Small raise other questions about whether Lee will be able to convince the trier of fact that he established a new domicile at their house at least 30 days before he filed his nomination papers. As mentioned, they testified that Lee had been staying with them for three or four years before he filed his

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[92] *Ante*, fn. 77.

[93] Small Decl. at 1.

[94] 90 Ops.Cal.Atty.Gen., *supra*, at p. 86; see 102 Ops.Cal.Atty.Gen., *supra*, at p. 61 ("we have no cause to doubt that Defendant *intended* that his rental property . . . would function as his domicile for purposes of his nomination to city council . . . but there remains a question whether it *actually became* his new domicile—that is, a place of physical presence joined with the intent to make it his permanent home") (original italics).

[95] Elec. Code, § 2032.

[96] RT-ES at 10, 19-20; RT-TS at 18, 39.

[97] *Rando v. Harris*, *supra*, 228 Cal.App.4th at p. 879; see 105 Ops.Cal.Atty.Gen., *supra*, at p. 119, fn. 41; 12 Ops.Cal.Atty.Gen., *supra*, at p. 341.

papers.[98] But this timeline overlaps with the occasions discussed above in which Lee indicated that he was domiciled in Los Angeles. And, even if Lee spent nights on Bandoni Drive notwithstanding the declaration from Beverly Small, Errick Small testified that Lee did so less than two weeks per month.[99] Even on those occasions when he spent the night, his sleeping arrangements were variable, often resulting in him sleeping on a couch in the living room.[100]

We do not mean to suggest that these living arrangements would be disqualifying by themselves.[101] Nor do we discount Lee's explanation that he chose to stay in the house on Bandoni Drive to save money and bond with his sister and her immediate family. But the question remains whether he actually intended to make his sister's house his new home.[102] We cannot predict what the answer to this question might be; we can only say that, at this stage, the question is substantial enough to call for judicial attention.

Resolving the Questions Presented Would Be in the Public Interest

Finally, we consider whether authorizing a quo warranto action for the purpose of resolving the questions presented here would be in the public interest. A quo warranto action is appropriate "when it appears that election laws are not being uniformly enforced or when an officeholder is permitted to serve in spite of lacking a required qualification."[103] And we generally regard the mere "existence of a substantial question of fact or law as presenting a sufficient 'public purpose'" to support a quo warranto action.[104] So, an application that raises substantial questions "will be denied only in the presence of other overriding considerations."[105]

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[98] RT-ES at 13, 18, 25; RT-TS at 11, 15.

[99] RT-ES at 22.

[100] RT-ES at 25, 28; RT-TS at 15; RT-JL at 202.

[101] See 101 Ops.Cal.Atty.Gen., *supra*, at p. 21 (living in a garage is not disqualifying because "a domicile need not be a traditional place of residence, so long as it is a place of fixed habitation"); cf. Elec. Code, § 2027 ("Residence in a trailer or vehicle or at any public camp or camping ground may constitute a domicile for voting purposes if the registrant complies with the other requirements of this article").

[102] See *ante*, fn. 94; see also *Sheehan v. Scott*, *supra*, 145 Cal. at p. 690 (declarations of intent to establish new domicile were insufficient to show that San Francisco Tax Collector was truly domiciled in San Francisco because "however strong his intention may have been, it was not accompanied or followed by any immediate execution").

[103] 86 Ops.Cal.Atty.Gen. 82, 85 (2003).

[104] *Ibid*.

[105] *Ibid*.

Here, Lee points to the fact that he requested and received a letter from the Stockton City Clerk confirming that he was eligible to run for office.[106] But the letter indicates only that he had been registered to vote in Stockton City Council District 6 for at least 30 days before he filed his nomination papers.[107] In other words, the letter does not suggest that the City Clerk conducted an independent investigation to determine if and when Lee resided at the addresses that he listed on his affidavit of voter registration.

Moreover, Lee does not suggest that he detrimentally relied on the letter from the City Clerk.[108] For example, he does not assert that he could or would have delayed the filing of his nomination papers long enough to obviate the questions presented here. Indeed, he did not request the letter until October 31, 2024, almost a year after the nomination period closed. As a result, the letter is not an extenuating circumstance that might militate against a quo warranto action.

CONCLUSION

For the above reasons, the application for leave to bring a quo warranto action is GRANTED.

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[106] Lee Decl, Ex. A.

[107] *Ibid*.

[108] Cf. 86 Ops.Cal.Atty.Gen., *supra*, at p. 85 ("citizens may be discouraged from running" for school board if they "cannot rely on representations made by election and school officials").