CITY AND COUNTY OF SAN FRANCISCO

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MEMORANDUM

TO: John Arntz, Director of Elections
Angela Calvillo, Clerk of the Board

FROM: Mollie Lee (ML)
Deputy City Attorney

DATE: November 1, 2010

RE: Election Results and Effective Dates of Ballot Measures

In this memorandum, we summarize the process for reporting election results and the effective dates of ballot measures that may be adopted at the November 2, 2010 general election. Please note that further action by the Board of Supervisors (the "Board") and, in some cases, the Secretary of State, will determine the effective dates of measures adopted by the voters. Dates provided in this memorandum are only estimates.

Reporting Election Results

- ***Preliminary results*** – As soon as the polls close on Election Day, the Department of Elections ("Department") begins tabulating vote-by-mail (absentee) ballots and precinct ballots and compiling the results. *See* Cal. Elections Code § 15150. The semifinal official canvass continues until all precincts are accounted for, *see id.*, and the Department reports preliminary results on Election Night. But because of time constraints, the preliminary results do not include vote-by-mail ballots that the Department receives on or shortly before Election Day, provisional ballots, and ballots with write-in votes.
- ***Processing vote-by-mail and provisional ballots*** – In the days after an election, the Department continues to process ballots that could not be counted by Election Night. Each afternoon, the Department releases updated results that include the vote-by-mail and provisional ballots processed that day.
- ***Final results, local contests*** – The Department must complete the final official canvass of votes and certify the election results within 28 days of the election. *See* Cal. Elections Code § 15372. The Department submits the certified results to the Board, which must then adopt a resolution declaring the results of the election. *See id.* § 9269, 15400. Certified copies of any Charter amendments adopted by the voters must be filed with the California Secretary of State, the San Francisco Assessor-Recorder, and in the San Francisco archives. *See id.* § 34460. The copies filed with the Assessor-Recorder and in the San Francisco archives must include certified copies of ballot arguments and other election materials. *Id.*
- ***Final results, state contests*** – Based on results submitted by counties around the state, the Secretary of State compiles results for state offices and measures and certifies these results within 38 days of the election. *See* CA Elections Code § 15501.

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DATE: November 1, 2010
PAGE: 2
RE: Election Results and Effective Dates of Ballot Measures

Effective Date of Ballot Measures

- ***Local initiative ordinances*** – Unless the text of the measure provides otherwise, local measures adopted by the voters go into effect 10 days after the Board declares the results of the election. *See* S.F. Municipal Elections Code § 380. The Board will likely declare the results of the November 2, 2010 general election on December 7, 2010, which would mean that local initiative ordinances adopted at this election would become effective on December 17, 2010. The last regularly scheduled meeting for the Board to declare the results is December 14, 2010, which would mean that initiative ordinances would become effective on December 24, 2010.
- ***Charter amendments*** – After the Board certifies the election results, the Director of Elections must submit to the Secretary of State a copy of any charter amendment adopted by the voters. *See* Cal. Elections Code § 9269. These amendments become effective when they are accepted and filed by the Secretary of State. *See* S.F. Municipal Elections Code § 380; Cal. Govt. Code §§ 34459, 34460. We estimate that Charter amendments adopted at the November 2, 2010 general election will be filed with the Secretary of State, and will therefore become effective, in mid- to late-December.
- ***State Measures*** – State measures are effective the day after the election, unless the text of the measure provides otherwise. *See* Cal. Const. art. 2, § 10(a) (state initiatives and referenda); Cal. Const. art. 18, § 4 (constitutional amendments and revisions).

November 2, 2010 Local Measures

We list below the date each local measure will become generally effective, if adopted by the voters at the November 2, 2010 general election. Please note that a measure may establish different effective dates for all or part of the measure, or may require further action before the measure is fully implemented. We have attempted to note this information below, but further research may be required to determine when particular ballot measures will be fully operative. Interested parties should not rely on this memorandum as a substitute for consulting with an attorney.

County Transportation Authority

AA: Vehicle Registration Fee
- Effective at close of polls on November 2, 2010.
- Would apply to vehicle registrations and renewals beginning May 2, 2011.

Bond Measures

A: Earthquake Retrofit Bond
- Effective 10 days after the Board declares the results of the election.

Charter Amendments

B: City Retirement and Health Plans

- Effective when the Secretary of State files the Charter amendment.
- The measure includes the following language regarding operative dates:
  - Proposed Charter section A.8.490(c), as referenced in subsections (e) and (f): "This section shall govern any memorandum of understanding (MOU) or

collective bargaining agreement (CBA) between the City and County of San Francisco (City) and any employee organization representing actively employed members of the system reached after the November 2010 general election."

- Proposed Charter section A.8.490(g): "Except as specifically provided herein, this section shall become effective January 1, 2011. This section shall apply to all then current employee members of the Retirement and Health Service Systems, as well as to employees hired on or after passage; provided, however, that any adjustments to the medical plan rate charged to employees resulting from this provision shall be made in conjunction with a regularly scheduled open enrollment period. To the extent any provision of this section is contrary to the terms of a MOU or CBA executed on or before November 2, 2010 between a participating employer and a recognized employee organization, any increased employee contribution to the retirement system or for medical care shall become effective for employees covered by such MOU or CBA immediately upon expiration of such MOU or CBA."
- Proposition B, Section 4: "Except as specifically set forth in the text, this Charter Amendment shall be effective January 1, 2011."

C: Mayoral Appearances at Board Meetings
- Effective when the Secretary of State files the Charter amendment.

D: Non-Citizen Voting in School Board Elections
- Effective when the Secretary of State files the Charter amendment.
- Would apply to school board elections in 2012, 2014, and 2016. Thereafter, the Board could determine by ordinance whether non-citizens could vote in school board elections.

E: Election Day Voter Registration
- Effective when the Secretary of State files the Charter amendment.
- Would require the Board to enact implementing legislation, in consultation with the Director of Elections.

F: Health Service Board Elections
- Effective when the Secretary of State files the Charter amendment.

G: Transit Operator Wages
- Effective when the Secretary of State files the Charter amendment.

Ordinances

H: Local Elected Officials on Political Party Committees
- Effective 10 days after the Board of Supervisors declares the results of the election.
- Would become operative January 31, 2011.

I: Saturday Voting
- Effective "upon approval of the voters."
- Would apply at the November 2011 General Municipal Election.

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DATE: November 1, 2010
PAGE: 4
RE: Election Results and Effective Dates of Ballot Measures

J: Hotel Tax Clarification and Temporary Increase

- Effective 10 days after the Board declares the results of the election.
- Hotel tax increase would become operative January 1, 2011.
- If Propositions J and K both pass, and Proposition K receives more votes, the tax increase in Proposition J would not go into effect.

K: Hotel Tax Clarification and Definitions

- Effective 10 days after the Board declares the results of the election.

L: Sitting or Lying on Sidewalks

- Effective 10 days after the Board declares the results of the election.
- If Propositions L and M both pass, and Proposition M receives more votes, Proposition L would not go into effect.

M: Community Policing and Foot Patrols

- Effective 10 days after the Board declares the results of the election.

N: Real Property Transfer Tax

- Effective 10 days after the Board declares the results of the election.