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MEMORANDUM

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

FROM: Joshua S. White
Deputy City Attorney

DATE: November 18, 2016

RE: Election Results and Effective Dates of Ballot Measures

In this memorandum, consistent with our past practice we summarize the process for reporting election results and the effective dates of ballot measures that, based on the latest unofficial results released by the Department of Elections, appear likely to be adopted at the November 8, 2016 election. Because we are receiving a number of questions about when measures would become effective, we are issuing this memorandum now. In the unanticipated event that the results change, we will supplement this memorandum as appropriate. Dates provided in this memorandum are only estimates; 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.

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.
- *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 39 days of the election. *See* CA Elections Code § 15501.

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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 Mayor then has 10 days to sign the resolution or return it unsigned, at which point it will become effective. The Board will likely declare the results of this election on December 13, 2016, which means that local initiative ordinances adopted at this election would become effective no more than 10 days thereafter.
- *Charter amendments* – After the Board declares 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. The amendment would become effective when it is 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 this election will be filed with the Secretary of State, and will therefore become effective, in early to mid-January 2017.
- *State Measures* – State measures are effective the day after the election, unless the text of the measure provides otherwise. Cal. Const. art. 2, § 10(a) (state initiatives and referenda); Cal. Const. art. 18, § 4 (constitutional amendments and revisions).

November 8, 2016 Local Measures

We list below the date each local measure will become effective if it passes. Except where specifically noted, a measure becomes operative on the date it becomes effective. For some measures, the operative date is later than the effective date. In those instances, the operative date is the date the City may actually implement the measure, and the effective date is the date when the measure becomes law. Interested parties should not rely on this memorandum as a substitute for consulting with an attorney.

Bond Measures

A: School Bonds

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

C: Loans to Finance Acquisition and Rehabilitation of Affordable Housing

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

Parcel Tax

B: City College Parcel Tax

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

Charter Amendments

E: Responsibility for Maintaining Street Trees and Surrounding Sidewalks

- Effective when the Secretary of State files the Charter amendment.

G: Police Oversight

- Effective when the Secretary of State files the Charter amendment.

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I: Funding for Seniors and Adults with Disabilities

- Effective when the Secretary of State files the Charter amendment.
- Operative on January 1, 2017.

J: Funding for Homelessness and Transportation

- Effective when the Secretary of State files the Charter amendment.
- This measure authorizes the Mayor to terminate its implementation by providing a notice to the Board of Supervisors and the Controller by January 1, 2017. The Mayor has already provided that notice. As such, this measure will not be implemented.

*Ordinances***N: Non-Citizen Voting in School Board Elections**

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

O: Office Development in Candlestick Point and Hunters Point

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

Q: Prohibiting Tents on Public Sidewalks

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

T: Restricting Gifts and Campaign Contributions from Lobbyists

- Effective 10 days after the Board declares the results of the election.
- Operative on January 1, 2018.

V: Tax on Distributing Sugar-Sweetened Beverages

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

W: Real Estate Transfer Tax on Properties Over \$5 Million

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

X: Preserving Space for Neighborhood Arts, Small Businesses and Community Services in Certain Neighborhoods

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

