



DENNIS J. HERRERA  
City Attorney

MOLLIE LEE  
Deputy City Attorney

Direct Dial: (415) 554-4705  
Email: mollie.lee@sfgov.org

## MEMORANDUM

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

FROM: Mollie Lee (ML)  
Deputy City Attorney

DATE: November 6, 2012

RE: Election Results and Effective Dates of Ballot Measures

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In this memorandum, we summarize the process for reporting election results and the general rules governing the effective and operative dates of ballot measures that may be adopted at the November 6, 2012 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. Please contact the City Attorney's office if you require advice about specific measures that the voters approve at the November 6, 2012 general election.

### Reporting Election Results

- **Preliminary results** – As soon as the polls close on Election Day, the Department of Elections ("Department") begins tabulating precinct ballots and vote-by-mail ballots, including ballots from early voting at City Hall. *See* Cal. Elec. Code § 15150: The semifinal official canvass continues until all precincts are accounted for, *see id.*, and the Department reports preliminary results on Election Night. We understand that this year, the Department's Election Night reporting will include preliminary ranked-choice voting results. But because of time constraints, the preliminary results will 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. We understand that each afternoon at 4 p.m., the Department will release 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. Elec. 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. Additionally, the Board President and Clerk of the Board must certify and authenticate copies of any Charter amendments adopted by the voters. *See* Cal. Gov't Code § 34460. The Department must then file certified copies of adopted Charter amendments with the California Secretary of State, provide them to the City Archivist at the San Francisco Public Library, and record them with the San Francisco Assessor-Recorder. *See* Cal. Elec. Code § 9269; Cal. Gov't Code § 34460. The copies recorded with the Assessor-

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Recorder and filed 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* Cal. Elec. Code § 15501.

#### Effective Date of Ballot Measures

- **Local measures other than Charter amendments** – Unless the text of the measure provides otherwise, approved local measures other than Charter amendments go into effect 10 days after the Board declares the results of the election. *See* S.F. Municipal Elections Code § 380. The Department has until December 4, 2012, to complete the official canvass of votes, but it estimates that it will complete the canvass before Thanksgiving. This means the Board will likely declare the results of the November 6, 2012 general election on December 4, 2012, and local initiative ordinances adopted at this election would become effective on December 15, 2012. The last regularly scheduled meeting for the Board to declare the results is December 11, 2012, which would mean that initiative ordinances would become effective on December 22, 2012.
- **Charter amendments** – After the Board declares the election results, the Director of Elections must submit to the Secretary of State certified copies of any charter amendments 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. Based on the Board of Supervisors' meeting schedule and the Department's projected date for completing the official canvass, we estimate that Charter amendments adopted at the November 6, 2012 general election will be filed with the Secretary of State, and will therefore become effective, in mid- to late-December. After the Secretary of State files the Charter amendments, it will notify the Department of the official filing date.
- **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 6, 2012 Local Measures

We list below the date each local measure will become generally effective, if adopted by the voters at the November 6, 2012 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.

#### *District Measure*

##### A: City College Parcel Tax

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

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*Bond Measure***B: Clean and Safe Neighborhood Parks Bond**

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

*Charter Amendments***C: Housing Trust Fund**

- Effective when the Secretary of State files the Charter amendment.
- The measure includes an early termination option and a sunset provision:
  - Early termination (Charter § 16.110(l)): The Mayor may terminate implementation of the measure by issuing written notice to the Board of Supervisors and the Controller any time before January 1, 2013. If this happens, the measure will be inoperative in its entirety after the date of notice.
  - Sunset provision (Charter § 16.110(k)): The measure will become inoperative on July 1, 2043.
- The measure specifies additional operative dates for certain provisions:
  - The reduction of on-site inclusionary housing obligations (Charter § 16.110(g)(2)) will become operative on January 1, 2013.
  - The prohibition against increased inclusionary housing obligations and increased affordable housing fees (Charter § 16.110(h)(2),(3)) will become operative on January 1, 2013.

**D: Consolidating Odd-Year Municipal Elections**

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

*Ordinances***E: Gross Receipts Tax (amendments to the Business and Tax Regulations Code)**

- Effective 10 days after the Board of Supervisors declares the results of the election.
- Amendments to the Business Registration Ordinance (sections 855, 856, and 863) become operative when the measure becomes effective.
- Amendments to the Payroll Expense Tax (Business and Tax Regulations Code §§ 903.1-909), provisions establishing the Gross Receipts Tax (Business and Tax Regulations Code §§ 950-965), and all other provisions of the ordinance become operative on January 1, 2014.
- Amendments to the Payroll Expense Tax (sections 903.1-909), provisions establishing the Gross Receipts Tax (sections 950-965), and amendments to the Common Administrative Provisions (sections 6.1-1 , 6.2-12, 6.2-17, 6.9-1 , 6.9-2, 6.9-3 and 6.24-1) become operative on January 1, 2014.

**F: Water and Environment Plan**

- Effective 10 days after the Board of Supervisors declares the results of the election.
- The planning process described in the measure would become operative on the effective date, but the plan would not be implemented unless approved by the voters at a later election (Admin. Code § 116.4(h)).

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*Declaration of Policy*

G: Policy Opposing Corporate Personhood

- Effective 10 days after the Board declares the results of the election.
- Within 90 days of the election, the Board of Supervisors must study and take appropriate legislative measures directed at the problem addressed in the measure.