



DENNIS J. HERRERA
City Attorney

JOSHUA S. WHITE
Deputy City Attorney

DIRECT DIAL: (415) 554-4661

E-MAIL: joshua.white@sfcityatt.org

MEMORANDUM

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

FROM: Joshua White
Deputy City Attorney

DATE: November 27, 2018

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 submitted to the voters at the November 6, 2018 election. The Department of Elections certified the results of the election on November 27, 2018. Dates provided below are only estimates; further action by the Board of Supervisors (the "Board") and the Secretary of State will determine the effective dates of measures adopted by the voters. Interested third parties should not rely on this memorandum as a substitute for consulting with their own attorney.

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 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 Cal. Elections Code § 15501.

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. Mun. Elec. Code § 380; Cal. Elec. Code §§ 9122, 9217. The

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Board will likely declare the results of this election on December 4, 2018, 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. Elec. Code § 9269. The amendment becomes effective when the Secretary of State accepts and files it. See S.F. Mun. Elec. Code § 380; Cal. Gov. Code §§ 34459, 34460. We estimate that Charter amendment adopted at this election will become effective in early to mid-January 2019.
- *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 6, 2018 Local Measures

We list below the date each local measure will become effective. Except where specifically noted, a measure becomes operative on the date it becomes effective. For some measures, the operative date is different from 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.

Bond Measure

A: Embarcadero Seawall Earthquake Safety Bond

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

Charter Amendment

B: City Privacy Guidelines

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

Ordinances

C: Additional Business Taxes to Fund Homeless Services

- Effective 10 days after the Board declares the results of the election.
- Operative on January 1, 2019.

D. Additional Tax on Cannabis Businesses; Expanding the Businesses Subject to Business Taxes

- Effective 10 days after the Board declares the results of the election.
- Operative on January 1, 2019, except for Section 3 of the ordinance (“Cannabis Business Tax”), which becomes operative on January 1, 2021.

E. Partial Allocation of Hotel Tax for Arts and Cultural Purposes

- Effective 10 days after the Board declares the results of the election.
- Operative on January 1, 2019.