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MEMORANDUM

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

FROM: Jenica Maldonado
Andrew Shen
Deputy City Attorneys

DATE: December 3, 2020

RE: Election Results and Effective Dates of Ballot Measures

In this memorandum, consistent with our past practice, we summarize the process for declaring election results and the effective dates of ballot measures submitted to the voters at the November 3, 2020 election. Dates provided in this memorandum 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 attorneys.

Final Election Results

- California Elections Code section 15372 requires the Department of Elections (“Department”) to complete the final official canvass of votes and to certify the election within 30 days after 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. On December 1, the Department certified the results of the November 3, 2020 election.

Effective Date of Ballot Measures

- *Local initiative ordinances (including local bond measures)* – Unless the text of the measure provides otherwise, local ordinances adopted by the voters go into effect ten days after the Board declares the results of the election. *See* S.F. Mun. Elec. Code § 380; Cal. Elec. Code §§ 9122, 9217. The Board will likely declare the results of this election on December 8, 2020, which means that local initiative ordinances adopted at this election – except for Proposition J – would likely become effective on December 18, 2020.
- *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. In the past, the Secretary of State has accepted and filed adopted Charter amendments within approximately 30 days of submission by the City. But in light of the COVID-19 emergency, our office cannot estimate the likely effective date of any Charter amendment adopted by the voters during the most recent election.

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November 3, 2020 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.

General Obligation Bond Measure

A: Health and Homelessness, Parks, and Streets Bond

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

Charter Amendments

B: Department of Sanitation and Streets, Sanitation and Streets Commission, and Public Works Commission

- Effective when the Secretary of State files the Charter Amendment.
- Operative on the effective date, but the measure sets forth later deadlines regarding the establishment of the new commissions and department.

C: Removing Citizenship Requirements for Members of City Bodies

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

D: Sheriff Oversight

- Effective when the Secretary of State files the Charter Amendment.
- Operative on the effective date, but the measure sets forth later timelines regarding the establishment of the new commission and department.

E: Police Staffing

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

F: Business Tax Overhaul

- Effective when the Secretary of State files the Charter Amendment.
- Operative on January 1, 2021 (except for the repeal of S.F. Bus. & Tax Regs. Code § 906.3-1, removing the Central Market Street and Tenderloin Area Citizen's Advisory Committee, which will become operative on February 1, 2021).

Ordinances

H: Neighborhood Commercial Districts and City Permitting

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

I: Real Estate Transfer Tax

- Effective 10 days after the Board declares the results of the election.
- Operative on January 1, 2021.

J: Parcel Tax for San Francisco Unified School District

- Effective on July 1, 2021.

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K: Affordable Housing Authorization

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

L: Business Tax Based on Comparison of Top Executive's Pay to Employees' Pay

- Effective 10 days after the Board declares the results of the election.
- Operative on January 1, 2022.