
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 414 Session of
2019

INTRODUCED BY SCHWANK, FOLMER, KILLION, ARGALL, STREET, BAKER,
SANTARSIERO, COSTA, FARNESE, DISANTO, K. WARD, YUDICHAK,
BLAKE, BROWNE, KEARNEY AND BREWSTER, MARCH 19, 2019

REFERRED TO STATE GOVERNMENT, MARCH 19, 2019

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," in voting by qualified absentee electors, further
12 providing for applications for official absentee ballots, for
13 absentee electors files and lists, for delivering or mailing
14 ballots, for voting by absentee electors and for canvassing
15 of official absentee ballots.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Sections 1302(b), (e.1) and (i), 1302.3(b) and
19 (c), 1305, 1306 and 1308(b.1), (e) and (g) of the act of June 3,
20 1937 (P.L.1333, No.320), known as the Pennsylvania Election
21 Code, are amended to read:

22 Section 1302. Applications for Official Absentee Ballots.--*

23 * *

24 (b) The application shall contain the following information:

1 Home residence [at the time of entrance into actual military
2 service or Federal employment], length of time a citizen, length
3 of residence in Pennsylvania, date of birth, length of time a
4 resident of voting district, voting district if known, party
5 choice in case of primary, name and, for a military elector, his
6 stateside military address, FPO or APO number and serial number.
7 Any elector [other than a military elector] shall in addition
8 specify [the nature of his employment, the address to which
9 ballot is to be sent, relationship where necessary, and] such
10 other information as may be determined and prescribed by the
11 Secretary of the Commonwealth. When such application is received
12 by the Secretary of the Commonwealth it shall be forwarded to
13 the proper county board of election.

14 * * *

15 (e.1) Any qualified registered elector[, including any
16 qualified bedridden or hospitalized veteran,] who is unable
17 because of illness or physical disability to attend his polling
18 place on the day of any primary or election or operate a voting
19 machine and state distinctly and audibly that he is unable to do
20 so as required by section 1218 of this act may, with the
21 certification by his attending physician that he is permanently
22 disabled, and physically unable to attend the polls or operate a
23 voting machine and make the distinct and audible statement
24 required by section 1218 appended to the application
25 hereinbefore required, be placed on a permanently disabled
26 absentee ballot list file. An absentee ballot application shall
27 be mailed to every such person otherwise eligible to receive one
28 for each primary or election so long as he does not lose his
29 voting rights by failure to vote as otherwise required by this
30 act. Such person shall not be required to file a physician's

1 certificate of disability with each application as required in
2 subsection (e) of this section [but such person must submit a
3 written statement asserting continuing disability every four
4 years in order to maintain his eligibility to vote under the
5 provisions of this subsection]. Should any such person lose his
6 disability he shall inform the county board of elections of the
7 county of his residence.

8 * * *

9 (i) Application for official absentee ballots shall be on
10 forms prescribed by the Secretary of the Commonwealth. The
11 application shall state that a voter who receives and votes an
12 absentee ballot pursuant to section 1301 [and who, on election
13 day, is capable of voting at the appropriate] shall not be
14 eligible to vote at a polling place [must void the absentee
15 ballot and vote in the normal manner at the appropriate voting
16 place] on election day. Such forms shall be made freely
17 available to the public at county board of elections, municipal
18 buildings and at such other locations designated by the
19 secretary. No written application or personal request shall be
20 necessary to receive the application forms. Copies of all
21 completed applications for official absentee ballots shall be
22 retained by the county board of elections.

23 * * *

24 Section 1302.3. Absentee Electors Files and Lists.--* * *

25 [(b) The county board of elections shall post in a
26 conspicuous public place at its office a master list arranged in
27 alphabetical order by election districts setting forth the name
28 and residence, and at primaries, the party enrollment, of (1)
29 every military elector to whom an absentee ballot is being sent,
30 each such name to be prefixed with an "M"; (2) every bedridden

1 or hospitalized veteran outside the county of his residence who
2 is not registered and to whom an absentee ballot is being sent,
3 each such name to be prefixed with a "V"; and (3) every
4 registered elector who has filed his application for an absentee
5 ballot too late for the extraction of his original registration
6 card and to whom a ballot is being sent and every qualified
7 elector who has filed his application for an absentee ballot and
8 is entitled, under provisions of the Permanent Registration Law
9 as now or hereinafter enacted by the General Assembly, to
10 absentee registration prior to or concurrently with the time of
11 voting, each such name to be prefixed with a "C." This list
12 shall be known as the Military, Veterans and Emergency Civilians
13 Absentee Voters File for the Primary or Election of (date of
14 primary or election) and shall be posted for a period commencing
15 the Tuesday prior to the day of the primary or election until
16 the day following the primary or election or the day on which
17 the county board of elections certifies the returns of the
18 primary or election, whichever date is later. Such file shall be
19 open to public inspection at all times subject to reasonable
20 safeguards, rules and regulations. This posted list shall not
21 contain any military address or references to any military
22 organization. Upon written request, the county board shall
23 furnish a copy of such list to any candidate or party county
24 chairman.]

25 (c) Not less than five days preceding the election, the
26 chief clerk shall prepare a list for each election district
27 showing the names and post office addresses of all voting
28 residents thereof to whom official absentee ballots shall have
29 been issued. Each such list shall be prepared in duplicate,
30 shall be headed "Persons in (give identity of election district)

1 to whom absentee ballots have been issued for the election of
2 (date of election)," and shall be signed by him not less than
3 four days preceding the election. [He shall post the original of
4 each such list in a conspicuous place in the office of the
5 county election board and see that it is kept so posted until
6 the close of the polls on election day.] He shall cause the
7 duplicate of each such list to be delivered to the judge of
8 election in the election district in the same manner and at the
9 same time as are provided in this act for the delivery of other
10 election supplies[, and it shall be the duty of such judge of
11 election to post such duplicate list in a conspicuous place
12 within the polling place of his district and see that it is kept
13 so posted throughout the time that the polls are open]. Upon
14 written request, he shall furnish a copy of such list to any
15 candidate or party county chairman.

16 Section 1305. Delivering or Mailing Ballots.--

17 (a) The county board of elections upon receipt and approval
18 of an application filed by any elector qualified in accordance
19 with the provisions of section 1301, subsections (a) to (h),
20 inclusive, shall [not later than fifty days prior to the day of
21 the primary or not later than seventy days prior to the day of
22 the election commence to deliver or mail to such elector who has
23 included with said application a statement that he or she is
24 unable to vote during the regular absentee balloting period by
25 reason of living or performing military service in an extremely
26 remote or isolated area of the world, and not later than forty-
27 five days prior to the day of the primary or election commence
28 to deliver or mail to all other such electors as provided for in
29 section 1301, subsections (a) to (h), inclusive, official
30 absentee ballots or special write-in absentee ballots as

1 prescribed by subsection (d) of section 1303 when official
2 absentee ballots are not yet printed; as additional applications
3 of such electors are received, the board shall deliver or mail
4 official absentee ballots or special write-in absentee ballots
5 when official absentee ballots are not yet printed to such
6 additional electors within forty-eight hours after approval of
7 their application. If the calling of a special election would
8 make it impossible to comply with the forty-five day delivery or
9 mailing requirement of this section, then the county board of
10 elections shall mail absentee ballots or special write-in
11 absentee ballots within five days of the county board's receipt
12 of the information necessary to prepare said ballots.

13 (b) The county board of elections upon receipt and approval
14 of an application filed by any elector qualified in accordance
15 with the provisions of section 1301, subsections (i) to (l),
16 inclusive, shall commence to deliver or mail official absentee
17 ballots on the second Tuesday prior to the primary or election.
18 For those applicants whose proof of identification was not
19 provided with the application or could not be verified by the
20 board, the board shall send the notice required under section
21 1302.2(d) with the absentee ballot. As additional applications
22 are received and approved, the board shall deliver or mail
23 official absentee ballots to such additional electors within
24 forty-eight hours.

25 (c) Notwithstanding the provisions of this section, a
26 qualified absentee elector shall not be required to provide
27 proof of identification if the elector is entitled to vote by
28 absentee ballot under the Uniformed and Overseas Citizens
29 Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an
30 alternative ballot under the Voting Accessibility for the

1 Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).]

2 commence to deliver or mail an official absentee ballot to the
3 applicant as soon as the ballot is available and certified by
4 the board. The county board of elections may await the
5 resolution of a legal proceeding in a Federal or State court
6 pertaining to the contents of the official absentee ballot
7 before delivering or mailing the official absentee ballot to the
8 applicant. Notwithstanding whether or not the county board of
9 elections is awaiting the resolution of a legal proceeding in a
10 Federal or State court, the board shall commence to deliver or
11 mail an official absentee ballot to the applicant not later than
12 the second Tuesday before the primary or election. If the
13 applicant failed to provide proof of identification with the
14 application or the proof of identification could not be verified
15 by the county board of elections, the board shall send the
16 notice required under section 1302.2(d) to the elector. If an
17 application is received and approved after the time that the
18 county board of elections commences delivering or mailing
19 official absentee ballots, the board shall deliver or mail an
20 official absentee ballot to the elector within forty-eight
21 hours.

22 (d) Notwithstanding the provisions of this act, an elector
23 who is qualified under section 1301 may present an application
24 for an official absentee ballot in-person at the office of the
25 county board of elections during regular business hours. The
26 applicant shall not be required to include the applicant's
27 mailing address on the application. Upon receipt of an
28 application which meets the requirements under this section, the
29 county board of elections shall promptly deliver an official
30 absentee ballot unless there is a bona fide objection to the

1 application.

2 Section 1306. Voting by Absentee Electors.--(a) Except as
3 provided in paragraphs (1), (2) and (3), at any time after
4 receiving an official absentee ballot, but on or before [five]
5 eight o'clock P.M. on the [Friday] Monday prior to the primary
6 or election, the elector shall, in secret, proceed to mark the
7 ballot only in black lead pencil, indelible pencil or blue,
8 black or blue-black ink, in fountain pen or ball point pen, and
9 then fold the ballot, enclose and securely seal the same in the
10 envelope on which is printed, stamped or endorsed "Official
11 Absentee Ballot."

12 (1) [Any elector who submits an Emergency Application and
13 receives an absentee ballot in accordance with section
14 1302.1(a.2) or (c) shall mark the ballot on or before eight
15 o'clock P.M. on the day of the primary or election. This
16 envelope shall then be placed in the second one, on which is
17 printed the form of declaration of the elector, and the address
18 of the elector's county board of election and the local election
19 district of the elector. The elector shall then fill out, date
20 and sign the declaration printed on such envelope. Such envelope
21 shall then be securely sealed and the elector shall send same by
22 mail, postage prepaid, except where franked, or deliver it in
23 person to said county board of election.] (Reserved).

24 (2) Any elector, spouse of the elector or dependent of the
25 elector, qualified in accordance with the provisions of section
26 1301, subsections (e), (f), (g) and (h) to vote by absentee
27 ballot as herein provided, shall be required to include on the
28 form of declaration a supporting declaration in form prescribed
29 by the Secretary of the Commonwealth, to be signed by the head
30 of the department or chief of division or bureau in which the

1 elector is employed, setting forth the identity of the elector,
2 spouse of the elector or dependent of the elector.

3 (3) Any elector who has filed his application in accordance
4 with section 1302 subsection (e)(2), and is unable to sign his
5 declaration because of illness or physical disability, shall be
6 excused from signing upon making a declaration which shall be
7 witnessed by one adult person in substantially the following
8 form: I hereby declare that I am unable to sign my declaration
9 for voting my absentee ballot without assistance because I am
10 unable to write by reason of my illness or physical disability.
11 I have made or received assistance in making my mark in lieu of
12 my signature.

13

14 (Mark)

15 (Date)

16

17

18 (Complete Address of Witness) (Signature of Witness)

19 (b) [In the event that any such elector, excepting an
20 elector in military service or any elector unable to go to his
21 polling place because of illness or physical disability,
22 entitled to vote an official absentee ballot shall be in the
23 municipality of his residence on the day for holding the primary
24 or election for which the ballot was issued, or in the event any
25 such elector shall have recovered from his illness or physical
26 disability sufficiently to permit him to present himself at the
27 proper polling place for the purpose of casting his ballot, such
28 absentee ballot cast by such elector shall, be declared void.
29 Any such elector referred to in this subsection, who is within
30 the municipality of his residence, must present himself at his

1 polling place and shall be permitted to vote upon presenting
2 himself at his regular polling place in the same manner as he
3 could have voted had he not received an absentee ballot:

4 Provided, That such elector has first presented himself to the
5 judge of elections in his local election district and shall have
6 signed the affidavit on the absentee voter's temporary
7 registration card, which affidavit shall be in substantially the
8 following form:

9 I hereby swear that I am a qualified registered elector who has
10 obtained an absentee ballot, however, I am present in the
11 municipality of my residence and physically able to present
12 myself at my polling place and therefore request that my
13 absentee ballot be voided.

14 █ █
15 (Date) █ █
16 █
17 █
18 (Local Judge of Elections) █ (Signature of Elector)

19 An elector who has received an absentee ballot under the
20 emergency application provisions of section 1302.1, and for
21 whom, therefore, no temporary absentee voter's registration card
22 is in the district register, shall sign the aforementioned
23 affidavit in any case, which the local judge of elections shall
24 then cause to be inserted in the district register with the
25 elector's permanent registration card.] Any elector who receives
26 and votes an absentee ballot pursuant to section 1301 shall not
27 be eligible to vote at a polling place on election day. The
28 district register at each polling place shall clearly identify
29 electors who have received and voted absentee ballots as
30 ineligible to vote at the polling place, and district election

1 officers shall not permit said electors to vote at the polling
2 place.

3 (c) Any elector voting with an absentee ballot shall:

4 (1) deliver the ballot in person to the county board of
5 elections by eight o'clock P.M. on the day of the primary or
6 election; or

7 (2) mail the ballot such that it is postmarked no later than
8 the day immediately preceding the election.

9 (d) (1) When a ballot is presented to a county board of
10 elections with a postmark that is missing or illegible, the
11 board may determine that the ballot was timely cast and
12 submitted if there are other reliable indicia of the date the
13 ballot was sent.

14 (2) A board may rely on the date given on the voter's
15 affidavit under paragraph (1) or on additional information
16 obtained from the United States Postal Service, the foreign
17 postal agency or the private carrier or courier service through
18 which the ballot was delivered.

19 (e) As used in this subsection:

20 "Postmark" means the official cancellation of postage, or
21 other indicia, as stamped printed or written on the delivery
22 envelope to indicate the date it was submitted for delivery by
23 the United States Postal Service, a foreign postal agency or a
24 recognized private common carrier or courier service.

25 Section 1308. Canvassing of Official Absentee Ballots.--* *

26 *

27 (b.1) [In all election districts in which electronic voting
28 systems are used, absentee ballots shall be opened at the
29 election district, checked for write-in votes in accordance with
30 section 1113-A and then either hand-counted or counted by means

1 of the automatic tabulation equipment, whatever the case may
2 be.] (Reserved).

3 * * *

4 (e) [At such time the local election board shall then
5 further examine the declaration on each envelope not so set
6 aside and shall compare the information thereon with that
7 contained in the "Registered Absentee Voters File," the absentee
8 voters' list and the "Military Veterans and Emergency Civilians
9 Absentee Voters File." If the local election board is satisfied
10 that the declaration is sufficient and the information contained
11 in the "Registered Absentee Voters File," the absentee voters'
12 list and the "Military Veterans and Emergency Civilians Absentee
13 Voters File" verifies his right to vote, the local election
14 board shall announce the name of the elector and shall give any
15 watcher present an opportunity to challenge any absentee elector
16 upon the ground or grounds (1) that the absentee elector is not
17 a qualified elector ; or (2) that the absentee elector was
18 within the municipality of his residence on the day of the
19 primary or election during the period the polls were open,
20 except where he was in military service or except in the case
21 where his ballot was obtained for the reason that he was unable
22 to appear personally at the polling place because of illness or
23 physical disability; or (3) that the absentee elector was able
24 to appear personally at the polling place on the day of the
25 primary or election during the period the polls were open in the
26 case his ballot was obtained for the reason that he was unable
27 to appear personally at the polling place because of illness or
28 physical disability. Upon challenge of any absentee elector, as
29 set forth herein the local election board shall mark
30 "challenged" on the envelope together with the reason or reasons

1 therefor, and the same shall be set aside for return to the
2 county board unopened pending decision by the county board and
3 shall not be counted. All absentee ballots not challenged for
4 any of the reasons provided herein shall be counted and included
5 with the general return of paper ballots or voting machines, as
6 the case may be as follows. Thereupon, the local election board
7 shall open the envelope of every unchallenged absentee elector
8 in such manner as not to destroy the declaration executed
9 thereon. All of such envelopes on which are printed, stamped or
10 endorsed the words "Official Absentee Ballot" shall be placed in
11 one or more depositories at one time and said depository or
12 depositories well shaken and the envelopes mixed before any
13 envelope is taken therefrom. If any of these envelopes shall
14 contain any extraneous marks or identifying symbols other than
15 the words "Official Absentee Ballot," the envelopes and the
16 ballots contained therein shall be set aside and declared void.
17 The local election board shall then break the seals of such
18 envelopes, remove the ballots and record the votes in the same
19 manner as district election officers are required to record
20 votes. With respect to the challenged ballots, they shall be
21 returned to the county board with the returns of the local
22 election district where they shall be placed unopened in a
23 secure, safe and sealed container in the custody of the county
24 board until it shall fix a time and place for a formal hearing
25 of all such challenges and notice shall be given where possible
26 to all absentee electors thus challenged and to every attorney,
27 watcher or candidate who made such challenge. The time for the
28 hearing shall not be later than seven (7) days after the date of
29 said challenge. On the day fixed for said hearing, the county
30 board shall proceed without delay to hear said challenges and,

1 in hearing the testimony, the county board shall not be bound by
2 technical rules of evidence. The testimony presented shall be
3 stenographically recorded and made part of the record of the
4 hearing. The decision of the county board in upholding or
5 dismissing any challenge may be reviewed by the court of common
6 pleas of the county upon a petition filed by any person
7 aggrieved by the decision of the county board. Such appeal shall
8 be taken, within two (2) days after such decision shall have
9 been made, whether reduced to writing or not, to the court of
10 common pleas setting forth the objections to the county board's
11 decision and praying for an order reversing same. Pending the
12 final determination of all appeals, the county board shall
13 suspend any action in canvassing and computing all challenged
14 ballots irrespective of whether or not appeal was taken from the
15 county board's decision. Upon completion of the computation of
16 the returns of the county, the votes cast upon the challenged
17 official absentee ballots shall be added to the other votes cast
18 within the county.] (Reserved).

19 * * *

20 (g) (1) (i) An absentee ballot cast by any absentee
21 elector as defined in section 1301(a), (b), (c), (d), (e), (f),
22 (g) and (h) [which is received in the office of the county board
23 of elections after five o'clock P.M. on the Friday immediately
24 preceding the election and no later than five o'clock P.M. on
25 the seventh day following an election shall be canvassed in
26 accordance with this subsection if the absentee ballot is
27 postmarked no later than the day immediately preceding the
28 election.] shall be canvassed in accordance with this section if
29 the ballot is cast, submitted and received in accordance with
30 the Uniformed and Overseas Citizens Absentee Voting Act (Public

1 Law 99-410, 100 Stat. 924) or is received within the time
2 specified for absentee ballots by this section if that time is
3 longer.

4 (ii) An absentee ballot cast by an absentee elector as
5 defined in section 1301(i), (j), (k), (l), (m) and (n) shall be
6 canvassed in accordance with this section if the absentee ballot
7 is received in the office of the county board of elections by
8 any of the following means:

9 (A) Delivery in-person no later than eight o'clock P.M. on
10 the day of the primary or election.

11 (B) First class mail no later than five o'clock P.M. on the
12 seventh day following the election if the absentee ballot is
13 postmarked no later than the day immediately preceding the
14 election.

15 (2) The county board of elections shall meet on the [eighth]
16 third day following the election to canvass the absentee ballots
17 received under this subsection and subsection (h) (2) until the
18 deadline for receipt of the absentee ballots. One authorized
19 representative of each candidate in an election and one
20 representative from each political party shall be permitted to
21 remain in the room in which the absentee ballots are canvassed.
22 Representatives shall be permitted to challenge any absentee
23 elector in accordance with the provisions of paragraph (3).

24 (3) When the county board meets to canvass absentee ballots
25 under paragraph (2), the board shall examine the declaration on
26 the envelope of each ballot not set aside under subsection (d)
27 and shall compare the information thereon with that contained in
28 the "Registered Absentee Voters File," the absentee voters' list
29 and/or the "Military Veterans and Emergency Civilians Absentee
30 Voters File," whichever is applicable. If the county board has

1 verified the proof of identification as required under this act
2 and is satisfied that the declaration is sufficient and the
3 information contained in the "Registered Absentee Voters File,"
4 the absentee voters' list and/or the "Military Veterans and
5 Emergency Civilians Absentee Voters File" verifies his right to
6 vote, the county board shall announce the name of the elector
7 and shall give any candidate representative or party
8 representative present an opportunity to challenge any absentee
9 elector upon the ground or grounds: (i) that the absentee
10 elector is not a qualified elector; or (ii) that the absentee
11 elector was [within the municipality of his residence on the day
12 of the primary or election during the period the polls were
13 open, except where he was in the military service or except in
14 the case where his ballot was obtained for the reason that he
15 was unable to appear personally at the polling place because of
16 illness or physical disability; or (iii) that the absentee
17 elector was able to appear personally at the polling place on
18 the day of the primary or election during the period the polls
19 were open in the case his ballot was obtained for the reason
20 that he was unable to appear personally at the polling place
21 because of illness or physical disability.] not otherwise
22 qualified to cast an absentee ballot. Upon challenge of any
23 absentee elector, as set forth herein, the board shall mark
24 "challenged" on the envelope together with the reasons therefor,
25 and the same shall be set aside unopened pending final
26 determination of the challenge according to the procedure
27 described in paragraph (5).

28 (4) All absentee ballots not challenged for any of the
29 reasons provided in paragraph (3) shall be counted and included
30 with the returns of the applicable election district as follows.

1 The county board shall open the envelope of every unchallenged
2 absentee elector in such manner as not to destroy the
3 declaration executed thereon. If any of the envelopes on which
4 are printed, stamped or endorsed the words "Official Absentee
5 Ballot" contain any extraneous marks or identifying symbols, the
6 envelopes and the ballots contained therein shall be set aside
7 and declared void. The county board shall then break the seals
8 of such envelopes, remove the ballots and record the votes.

9 (5) With respect to the challenged ballots, they shall be
10 placed unopened in a secure, safe and sealed container in the
11 custody of the county board until it shall fix a time and place
12 for a formal hearing of all such challenges, and notice shall be
13 given where possible to all absentee electors thus challenged
14 and to every individual who made a challenge. The time for the
15 hearing shall not be later than five (5) days after the date of
16 the challenge. On the day fixed for said hearing, the county
17 board shall proceed without delay to hear said challenges, and,
18 in hearing the testimony, the county board shall not be bound by
19 the Pennsylvania Rules of Evidence. The testimony presented
20 shall be stenographically recorded and made part of the record
21 of the hearing.

22 (6) The decision of the county board in upholding or
23 dismissing any challenge may be reviewed by the court of common
24 pleas of the county upon a petition filed by any person
25 aggrieved by the decision of the county board. The appeal shall
26 be taken, within two (2) days after the decision was made,
27 whether the decision was reduced to writing or not, to the court
28 of common pleas setting forth the objections to the county
29 board's decision and praying for an order reversing the
30 decision.

1 (7) Pending the final determination of all appeals, the
2 county board shall suspend any action in canvassing and
3 computing all challenged ballots received under this subsection
4 irrespective of whether or not appeal was taken from the county
5 board's decision. Upon completion of the computation of the
6 returns of the county, the votes cast upon the challenged
7 official absentee ballots that have been finally determined to
8 be valid shall be added to the other votes cast within the
9 county.

10 * * *

11 Section 2. This act shall take effect in 90 days.