

CHAPTER 34

[House Bill No. 767]

WASHINGTON STATE MILITIA--  
PROMOTIONS-BEST-QUALIFIED BASIS--  
OFFICER PROMOTION BOARD

AN ACT Relating to the state military; adding new sections to chapter 38.12 RCW; repealing section 22, chapter 130, Laws of 1943 and RCW 38.12.080; repealing section 24, chapter 130, Laws of 1943 and RCW 38.12.100; repealing section 25, chapter 130, Laws of 1943 and RCW 38.12.110; repealing section 26, chapter 130, Laws of 1943 and RCW 38.12.120; repealing section 27, chapter 130, Laws of 1943 and RCW 38.12.130; repealing section 28, chapter 130, Laws of 1943 and RCW 38.12.140; and repealing section 32, chapter 130, Laws of 1943 and RCW 38.12.190.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. Whenever a commissioned officer is to be appointed or promoted either to fill a vacancy in the organized militia (Washington army national guard, Washington air national guard and the Washington state guard) or for any other reason, the officer to be appointed or promoted shall be selected by the officer promotion board: PROVIDED, HOWEVER, That this in no way will change the powers of the governor under RCW 38.12.060: AND PROVIDED FURTHER, HOWEVER, That this section in no way applies to appointments or promotions to adjutant general or assistant adjutant general.

NEW SECTION. Sec. 2. All promotions of commissioned officers in the organized militia will be made on a best-qualified basis. The officer promotion board will select the best-qualified officer for each promotion from among those officers fully qualified for promotion. To be promoted, the selected officer must also meet the requirements of RCW 38.12.070. In no event will seniority be the sole guideline for selecting the officer to be promoted. The officer promotion board will, in determining the best qualified officer, consider the overall qualifications of an officer and not just the qualifications for one position.

NEW SECTION. Sec. 3. The officer promotion board will meet from time to time as directed by the adjutant general. The board will select the best qualified officer for each promotion to be made in the organized militia, will approve or disapprove the appointment of all of the commissioned officers in the organized militia, and will do any other act pertaining thereto directed by the adjutant general or allowed or directed by statute.

NEW SECTION. Sec. 4. The officer promotion board shall be composed as follows:

(1) For promotions or appointments of army national guard officers, the board will consist of the adjutant general, the assistant adjutant general army, and the five senior commanders in the Washington army national guard: PROVIDED, HOWEVER, That if the board is selecting an officer for promotion to the rank of colonel, any member of the board who is a lieutenant colonel will be automatically disqualified and will not be replaced: PROVIDED FURTHER, HOWEVER, That if the board is selecting an officer for promotion to the rank of brigadier general, any member of the board who is a lieutenant colonel or who is a colonel will be automatically disqualified and will not be replaced.

(2) For promotions or appointments of air national guard officers, the board will consist of the adjutant general, the assistant adjutant general air, and the five senior commanders in the Washington air national guard: PROVIDED, HOWEVER, That if the board is selecting an officer for promotion to the rank of colonel, any member of the board who is a lieutenant colonel will be automatically disqualified and will not be replaced: PROVIDED FURTHER, HOWEVER, That if the board is selecting an officer for promotion to the rank of brigadier general, any member of the board who is a lieutenant colonel or who is a colonel will be automatically disqualified and will not be replaced.

(3) For promotions or appointments of state guard officers, the board will consist of the adjutant general, the assistant adjutant general army, and the five senior officers in the state guard: PROVIDED, HOWEVER, That if the board is selecting an officer for promotion to the rank of colonel, any member of the board who is a lieutenant colonel will be automatically disqualified and will not be replaced: PROVIDED FURTHER, HOWEVER, That if the board is selecting an officer for promotion to the rank of brigadier general, any member of the board who is a lieutenant colonel or who is a colonel will be automatically disqualified and will not be replaced.

NEW SECTION. Sec. 5. To be an official act of the officer promotion board, an act of that board must be approved by not less than four of the members of the board: PROVIDED, HOWEVER, That if the board consists of less than four officers, the approval of the board shall be unanimous.

An action of an officer promotion board may be an official act of the board without a meeting if all members of the board approve in writing the act in question.

The adjutant general will from time to time fix the rules under which the board will operate.

NEW SECTION. Sec. 6. There are added to chapter 38.12 RCW new sections as set forth in sections 1 through 5 of this 1974 amendatory act.

NEW SECTION. Sec. 7. The following acts or parts of acts are each hereby repealed:

- (1) Section 22, chapter 130, Laws of 1943 and RCW 38.12.080;
- (2) Section 24, chapter 130, Laws of 1943 and RCW 38.12.100;
- (3) Section 25, chapter 130, Laws of 1943 and RCW 38.12.110;
- (4) Section 26, chapter 130, Laws of 1943 and RCW 38.12.120;
- (5) Section 27, chapter 130, Laws of 1943 and RCW 38.12.130;
- (6) Section 28, chapter 130, Laws of 1943 and RCW 38.12.140;

and

- (7) Section 32, chapter 130, Laws of 1943 and RCW 38.12.190.

Passed the House January 28, 1974.  
Passed the Senate February 7, 1974.  
Approved by the Governor February 13, 1974.  
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 35

[Engrossed Substitute Senate Bill No. 2429]

ABSENTEE VOTING

AN ACT Relating to elections; amending section 29.36.010, chapter 9, Laws of 1965 as amended by section 37, chapter 202, Laws of 1971 ex. sess. and RCW 29.36.010; amending section 6, chapter 109, Laws of 1967 ex. sess. and RCW 29.36.120; and amending section 8, chapter 109, Laws of 1967 ex. sess. and RCW 29.36.140.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 29.36.010, chapter 9, Laws of 1965 as amended by section 37, chapter 202, Laws of 1971 ex. sess. and RCW 29.36.010 are each amended to read as follows:

Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter ((providing that one of the following conditions is applicable:

{1} The voter expects to be absent from his precinct during the polling hours on the day of the primary or election; or

{2} The voter is unable to appear in person at his polling place to cast a ballot because of illness or physical disability; or

{3} The voter, because of his religious tenets, cannot with clear conscience cast his ballot on the day of the primary or election)).

A voter desiring to cast an absentee ballot must apply in writing to his county auditor no earlier than forty-five days nor