

CONSTITUTIONAL AMENDMENTS

COUNTY GOVERNMENT

Submitted by the Twenty-sixth Session of the Legislative Assembly of the State of North Dakota, Being Senate Concurrent Resolution No. 135. (Chapter 112, Session Laws 1939)

The full text of which proposed Constitutional Amendment is as follows, to-wit:

A Concurrent Resolution Providing for the Amendment of Sections 167, 170, 172 and 173 and the Repeal of Section 171 of the Constitution of North Dakota.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the following proposed amendments to Section 167, 170, 172 and 173, and repeal of Section 171 of the Constitution of the State of North Dakota, are agreed to and that the same be submitted to the qualified electors of the State of North Dakota for approval or rejection, in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended.

Section 1. AMENDMENT.) That Section 167 of the Constitution of the State of North Dakota, is hereby amended and re-enacted to read as follows:

Section 167. The Legislative Assembly shall provide by general law for organizing new counties, locating county seats thereof temporarily, and changing the county lines; but no new county shall be organized, nor shall any organized county be so reduced as to include an area of less than twenty-four congressional townships, and containing a population of less than five thousand bona fide inhabitants. And in the organization of new counties and in changing the lines of organized counties and boundaries of congressional townships the natural boundaries shall be observed as nearly as may be.

The Legislative Assembly shall also provide by general law for the consolidation of counties, and for their dissolution, but no counties shall be consolidated without a fifty-five per cent vote of those voting on the question in each county affected, and no county shall be dissolved without a fifty-five per cent vote of the electors of such county voting on such question.

Section 2. AMENDMENT.) That Section 170 of the Constitution of the State of North Dakota, is hereby amended and re-enacted to read as follows:

Section 170. The Legislative Assembly shall provide by law for optional forms of government for counties, which forms shall be, in addition to that form provided by Sections 172 and 173 of the Constitution, and which forms shall specify the number, functions and manner of selection of county officers, but no such optional form of government shall become operative in any county until submitted to the electors thereof at a special election or a general election, and approved by fifty-five per cent of those voting thereon. The manner of exercising the powers herein granted shall be by general laws, but such laws shall provide that the initiative for the submission of the question of the adoption of one of the optional forms of county government may be had either by a vote of not less than two-thirds of the county legislative body or upon petition of electors of the county equal to at least fifteen per centum of the total number of voters of the county who voted for Governor at the last general election. Among the optional forms of county government to be provided by the Legislative Assembly under this provision, at least one form shall provide for a county manager.

Section 3. REPEAL.) That Section 171 of the Constitution of the State of North Dakota be and the same is hereby repealed.

Section 4. AMENDMENT.) That Section 172 of the Constitution of the State of North Dakota is hereby amended and re-enacted to read as follows:

Section 172. Until one of the optional forms of county government provided by the Legislative Assembly under Section 170 of the Constitution, as amended, be adopted by any county, the fiscal affairs of said county shall be transacted by a board of county commissioners. Said board shall consist of not less than three and not more than five members whose terms of office shall be prescribed by law. Said board shall hold sessions for the transaction of county business, as shall be provided by law.

Section 5. AMENDMENT.) That Section 173 of the Constitution of the State of North Dakota, as amended, is hereby amended and re-enacted to read as follows:

Section 173. At the first general election after the adoption of this amendment, and every two years thereafter, there shall be elected in each county organized under the provisions of Section 172 of the Constitution, a register of deeds, county auditor, treasurer, sheriff, state's attorney, county judge and a clerk of the district court, who shall be electors in the county in which they are elected and who shall hold office until their successors are elected and qualified; provided in counties having fifteen thousand population or less, the county judge shall also be clerk of the district court; provided further that in counties having a population of 6,000 or less, the register of deeds shall also be clerk of the district court and county judge. The sheriff and treasurer of any county shall not hold their respective offices for more than four years in succession.

Filed March 4, 1939.

LEGISLATIVE POWER, INITIATIVE AND REFERENDUM

Submitted by the Twenty-sixth Session of the Legislative Assembly of the State of North Dakota, being House Concurrent Resolution No. 91. (Chapter 113, Session Laws 1939)

The full text of which proposed Constitutional Amendment is as follows, to-wit:

A Concurrent Resolution Providing for the Amendment of Section 25 of Article 2 of the Constitution of the State of North Dakota, Relating to the Legislative Power of the State, and the Initiative and Referendum.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following proposed amendment to Section 25 of Article 2 of the Constitution of the State of North Dakota is agreed to and that the same be submitted to the qualified electors of the State for approval or rejection, in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended.

Section 1. AMENDMENT.) That Section 25 of Article 2 of the Constitution of the State of North Dakota is hereby amended and re-enacted to read as follows:

Section 25. The legislative power of this State shall be vested in a legislature consisting of a Senate and a House of Representatives. The people, however, reserve the power, first to propose measures and to enact or reject the same at the polls; second, to approve or reject at the polls any measure or any item, section, part or parts of any measure enacted by the legislature.

The first power reserved is the initiative. Fifteen thousand electors at large may propose any measure by initiative petition. Every such petition shall contain the full text of the measure and shall be filed with the Secretary of State not less than ninety days before the election at which it is to be voted upon.

The second power reserved is the referendum. Fifteen thousand electors at large may, by referendum petition, suspend the operation of any measure enacted by the legislature, except an emergency measure. But the filing of a referendum petition against one or more items, sections or parts of any measure shall not prevent the remainder from going into effect. Such petition shall be filed with the Secretary of State not later than ninety days after the adjournment of the session of the legislature at which such measure was enacted. No initiative or referendum petition shall be circulated or filed during a regular or special session of the legislature.

Each measure initiated by or referred to the electors, shall be submitted by its ballot title, which shall be placed upon the ballot by the Secretary of State and shall be voted upon at any Statewide election designated in the petition, or at any special election called by the Governor. The result of the vote upon any measure shall be canvassed and declared by the board of canvassers.

All initiated measures providing for the expenditure of public funds shall prescribe in such act when initiated a special levy or tax and the method by which such funds shall be raised to carry into effect the purpose of the measure so initiated.

Any measure, except an emergency measure submitted to the electors of the State shall become a law when approved by a majority of the votes cast thereon. Such law shall go into effect on the thirtieth day after the election, unless otherwise specified in the measure.

If a referendum petition is filed against an emergency measure, such measure shall be a law until voted upon by the electors, and if it is then rejected by a majority of the votes cast thereon, it shall be thereby repealed. Any such measure may be submitted to the electors at a special election if so ordered by the Governor or if the referendum petition filed against it shall be signed by thirty-five thousand electors at large, such special election may be called by the Governor and shall be held not less than one hundred nor more than one hundred thirty days after the adjournment of the session of the legislature.

The Secretary of State shall pass upon each petition, and if he finds it insufficient he shall notify the "committee for the petitioners" and allow twenty days for correction or amendment. All decisions of the Secretary of State in regard to any such petition shall be subject to review by the Supreme Court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the Secretary of State shall place the measure on the ballot, and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. If the proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it.

If more than one measure, initiated or referred, is to be placed upon the ballot, the Secretary of State shall place all measures proposing amendments to the Constitution in one group and other measure in another group and shall number all measures consecutively.

No law shall be enacted limiting the number of copies of a petition which may be circulated. Such copies shall become a part of the original petition when filed or attached thereto. Nor shall any law be enacted prohibiting any person from giving or receiving compensation for circulating the petition, nor in any manner interfering with the freedom in securing signatures to petitions.

Each petition shall have printed thereon a ballot title which shall fairly represent the subject matter of the measure and the names of at least five electors who shall constitute the "committee for petitioners" and who shall represent and act for the petitioners.

The enacting clause of all measures initiated by the electors, shall be: "Be it enacted by the people of the State of North Dakota." In submitting measures to the electors, the Secretary of State, and all other officials shall be guided by the election laws until additional legislation shall be provided.

If conflicting measures initiated by or referred to the electors shall be approved by a majority of the votes cast thereon, the ones receiving the highest number of affirmative votes shall become the law.

The word "measure" as used herein shall include any law or amendment thereto, resolution, legislative proposal or enactment of any character.

The veto power of the Governor shall not extend to the measures initiated by or referred to the electors. No measures enacted or approved by a vote of the electors shall be repealed or amended by the legislature, except upon a yea and nay vote upon roll call of two-thirds of all the members elected to each house.

This section shall be self-executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict or impair the exercise of the rights herein reserved to the people.

Filed March 8, 1939.

RECALL

Submitted by the Twenty-sixth Session of the Legislative Assembly of the State of North Dakota, being Senate Concurrent Resolution No. 148. (Chapter 114, Session Laws 1939)

The full text of which proposed Constitutional Amendment is as follows, to-wit:

A Concurrent Resolution Providing for the Amendment of Article 33 of the Constitution of North Dakota, Relating to the Recall.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following proposed amendment to Article 33 of the Constitution of the State of North Dakota is agreed to, and that the same be submitted to the qualified electors of the State for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended:

Section 1. AMENDMENT.) That Article 33 of the Constitution of North Dakota is hereby amended and re-enacted to read as follows:

The qualified electors of the State or of any county, or of any congressional, Judicial or legislative district may petition for the recall of any elective congressional, State, county, judicial or legislative officer by filing

a petition with the officer with whom the petition for nomination to such office in the primary election is filed, demanding the recall of such officer. Such petition shall be signed by at least thirty per cent of the qualified electors who voted at the preceding election for the office of Governor in the state, county or district from which such officer is to be recalled, and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held hereunder. The signatures to the petition need not all be appended to one paper, but the statement shall appear at the head of each separate paper or part of the petition, and shall be followed by the signature, legal residence, and date of signing of each petitioner written by the petitioner in ink or indelible pencil, and by the affidavit of the person in charge of the paper or part that the signatures have all been made in his presence by the persons whose names they purport to be, and are legal signatures to the best of his belief. The petition shall be filed within sixty days after the date of the earliest signature thereon, and the officer with whom such petition is filed shall call a special election to be held not less than forty nor more than forty-five days from the filing of such petition.

Upon the sample ballot there shall be printed, in not more than two hundred words, the reasons set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words the officer may justify his course in office.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (individual name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "yes" and "no" on separate lines with a blank space at the right of each, in which the voter shall indicate by placing a cross (X) his vote for or against such recall. On such ballots, under each such question there shall also be printed the names of those persons who may be nominated in the manner as provided by law in primary elections as candidates to succeed the person recalled, in case he shall be removed from office by such recall election, but no vote shall be counted for any candidate for such office unless the voter also voted on the question of the recall of the person sought to be recalled from such office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

If a majority of those voting on the question of the recall of any incumbent from office shall vote "No" such incumbent shall continue in such office. If a majority shall vote "Yes" such incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for such office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was

elected. This article shall be self executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict or impair the right of recall.

Filed March 8, 1939.

An Act Dedicating Revenue From Gasoline and Other Motor Fuel Excise and License Taxation, Motor Vehicle Registration and License Taxes, After Deducting Cost of Administration and Statutory Refunds, to Public Highway Purposes.

Submitted by Initiative Petition:

The full text of which proposed Constitutional Amendment is as follows, to-wit:

An Act to Amend the Constitution of the State of North Dakota Dedicating Revenue From Gasoline and Other Motor Fuel Excise and License Taxation, Motor Vehicle Registration and License Taxes, After Deducting Cost of Administration and Statutory Refunds, to Public Highway Purposes.

Be It Enacted by the People of the State of North Dakota:

Section 1. Revenue from gasoline and other motor fuel excise and license taxation, motor vehicle registration and license taxes, after deduction of cost of administration and collection authorized by legislative appropriation only, and statutory refunds, shall be appropriated and used solely for construction, reconstruction, repair and maintenance of public highways, and the payment of obligations incurred in the construction, reconstruction, repair and maintenance of public highways.

VOTE YES FOR THE PROPOSED AMENDMENT SHOWN ABOVE

OTHER STATES CONSERVE THEIR HIGHWAY MONEY

24,000 North Dakota voters signed petitions to try to protect yours. The proposed constitutional amendment, shown on this page, is similar to constitutional provisions in effect in seven other states—CALIFORNIA, COLORADO, MINNESOTA, MISSOURI, NEW HAMPSHIRE, KANSAS AND MICHIGAN. "VOTE YES" ON THE 4TH MEASURE ON THE BALLOT JUNE 25TH and safeguard your highways.

34,000 North Dakota citizens signed petitions to put this measure on the ballot. THEY WANT TO DEDICATE HIGHWAY USERS' TAX MONEY TO THE BUILDING OF COUNTY AND STATE HIGHWAYS. "VOTE YES."

AID YOUR SCHOOLS AND RELIEF CLIENTS

The enactment of this amendment WILL NOT INTERFERE WITH OR RESTRICT ANY FUNDS NOW USED FOR AID OF SCHOOLS, OLD AGE ASSISTANCE OR RELIEF. "VOTE YES" and INSURE GOOD ROADS TO YOUR SCHOOLS AND FARMS. It will guarantee employment for thousands.

Over \$3,000,000 of HIGHWAY USERS' MONEY HAS BEEN DIVERTED TO PAY INTEREST ON BONDS. "VOTE YES" on the 4th measure on the ballot JUNE 25th and STOP THIS PRACTICE.

FARMERS! SAVE YOUR GAS TAX EXEMPTION

Our constitution would prohibit exemption from gasoline tax for farmers IF GASOLINE TAX MONIES ARE DIVERTED OR USED FOR OTHER THAN HIGHWAY PURPOSES. THIS AMENDMENT DOES NOT CHANGE THE PRESENT SYSTEM OF EXEMPTION and dedicates highway users' money for construction and maintenance of highways and THEREBY INSURES TO FARMERS A CONTINUANCE OF EXEMPTION FROM TAX—FOR GASOLINE USED ON THE FARM. "VOTE YES."

TAXES COLLECTED FROM HIGHWAY USERS SHOULD BUILD AND MAINTAIN HIGHWAYS. "VOTE YES" ON THE 4TH CONSTITUTIONAL AMENDMENT ON JUNE 25TH TO INSURE THE COMPLETION OF GOOD ROADS FROM THE FARMS TO THE TOWNS AND CITIES

GOOD ROADS MEAN CHEAP HAULING
GOOD ROADS MEAN LESS CAR AND TRUCK REPAIR
GOOD ROADS WILL SAVE MANY DOLLARS
FOR FARMERS

THERE IS EVERY GOOD REASON WHY HIGHWAY USERS' MONEY SHOULD BE DEDICATED TO THE CONSTRUCTION AND MAINTENANCE OF HIGHWAYS. IT IS UNFAIR TO USE SPECIAL TAXES COLLECTED FROM HIGHWAY USERS FOR ANY PURPOSE OTHER THAN HIGHWAYS.

VOTE YES

THE 4TH MEASURE ON YOUR BALLOT ON JUNE 25TH

VOTE YES

Sponsored by the North Dakota County Commissioners Association

J. D. O'KEEFE, President

DICK ENGBRECHT, Secretary

An Act Amending Section 82 of the Constitution of the State of North Dakota Providing for Changing the Name and Transferring the Powers and Duties of the Board of Railroad Commissioners to the Public Service Commission, for the Election of Three Commissioners for a Term of Six Years Each and for the Term of Office of the Commissioners Elected in 1940.

Submitted by Initiative Petition:

The full text of which proposed Constitutional Amendment is as follows, to-wit:

An Act to Amend and Re-enact Section 82 of the Constitution of the State of North Dakota, as Amended, by Adding Thereto the Words "of State," so as to Read, "Secretary of State"; by Omitting the Words "Three Commissioners of Railroads" and Inserting the Words "Three Public Service Commissioners" in Lieu Thereof; by Adding the Words "and Provided, Further, that the Public Service Commissioners Shall Severally Hold Their Offices for the Term of Six Years and Until Their Successors Are Elected and Duly Qualified"; and by Adding the Words "At the General Election in 1940 There Shall Be Chosen Two Public Service

Commissioners to Fill the Two Terms Expiring on the First Monday in January, 1941. The Candidate at Said Election Receiving the Highest Number of Votes Shall Be Elected for a Term of Six Years, and the Candidate Receiving the Next Highest Number of Votes Shall Be Elected for a Term of Four Years. Thereafter There Shall Be Chosen One Such Public Service Commissioner Every Two Years at the Time and Places Above Designated.

"The Board of Railroad Commissioners Shall Hereafter Be Known as the Public Service Commission and Members of the Board of Railroad Commissioners as Public Service Commissioners and the Powers and Duties Now or Hereafter Granted to and Conferred Upon the Board of Railroad Commissioners Are Hereby Transferred to the Public Service Commission," so That Said Section 82 as so Amended and Re-enacted Shall Read as follows:

Be It Enacted by the People of the State of North Dakota:

Section 82. There shall be chosen by the qualified electors of the state at the times and places of choosing members of the legislative assembly, a secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, three public service commissioners, an attorney general, a commissioner of agriculture and labor, and a tax commissioner, who shall have attained the age of twenty-five years and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government for the term of two years and until their successors are elected and duly qualified; but no person shall be eligible for the office of treasurer for more than two consecutive terms; provided, however, the tax commissioner shall hold his office for the term of four years and until his successor is elected and duly qualified; and provided, further, that the public service commissioners shall severally hold their offices for the term of six years and until their successors are elected and duly qualified.

The tax commissioner shall be elected on a no-party ballot and he shall be nominated and elected in the manner now provided for the nomination and election of the superintendent of public instruction. The first election of a tax commissioner shall not occur until the year 1940.

At the general election in 1940 there shall be chosen two public service commissioners to fill the two terms expiring on the first Monday in January, 1941. The candidate at said election receiving the highest number of votes shall be elected for a term of six years, and the candidate receiving the next highest number of votes shall be elected for a term of four years. Thereafter there shall be chosen one such public service commissioner every two years.

The board of railroad commissioners shall hereafter be known as the public service commission and the members of the board of railroad commissioners as public service commissioners and the powers and duties now or hereafter granted to and conferred upon the board of railroad commissioners are hereby transferred to the public service commission.

STAGGERED TERMS FOR RAILROAD COMMISSIONERS

Section 82 of the Constitution originally provided that Railroad Commissioners should be elected every two years, but after many years of experimenting with this method it was found that the public service suffered if all three of the commissioners should drop out at the same time, so in order to assure that at least two members of experience should hold over from year to year this section was amended in 1926 to provide for six year terms for the commissioners, one of whom should be elected every two years. This method was found to be very satisfactory, but in 1938 when Section 82 was amended to provide for the election of a Tax Commissioner, by oversight this provision was left out, so that now two commissioners are elected and in 1942 three will be elected.

To correct this error and to restore the terms of office of the commissioners to six years so that they might be "staggered" and thus complete changes at one time in the membership prevented, the electors whose names are subjoined hereto, were selected as a committee for the purpose of circulating a petition asking for the restoration of the 1926 section, and they proceeded to secure some 22,000 names on this petition and filed the same with the Secretary of State, and the proposed reamendment of Section 82 is now on the 1940 primary election ballot for endorsement or rejection.

The men on this committee are representative citizens of the State who have from time to time important transactions with the Board of Railroad Commissioners, and they fully appreciate the importance of securing the restoration of the six year "Staggered" term, and they all join in urging the electors at the forthcoming election to approve this amendment.

One must come in contact with the work of this Commission fully to appreciate the importance of this amendment. It is not generally realized that the work of this Commission involves millions of dollars every year, and if competently performed, savings of many thousand dollars to shippers and growers can be saved. In order adequately to perform the duties connected with this task a Commissioner, no matter how proficient he may be in other ways, must have experience, and no Commissioner can secure this experience in a two year term, and it is wasteful extravagance on the part of the State to attempt to train railroad commissioners on the basis of two year terms. It is only when the commissioner has been able to gain experience that he is of any value to the State. It is also of importance that these commissioners should not all go out of office at the same time, and hence that their terms be "staggered."

There is no politics in this movement. No matter whether you are a Democrat, a Republican, a Nonpartisan or a Progressive, you will be alike interested in this matter and you can properly vote for this amendment without in anywise interfering with any of your other political activities.

PETITIONERS' COMMITTEE

W. H. Stutsman, Mandan, N. Dak.
Morris Erickson, Jamestown, N. Dak.
Wesley E. Keller, Minot, N. Dak.
R. F. Gunkelman, Fargo, N. Dak.
Andrew Robbie, Cavalier, N. Dak.
Joe Thompson, Nash, N. Dak.
Herman Thorson, Bueyrus, N. Dak.

Alex Lind, Williston, N. Dak.
Frank Milhollan, Bismarck, N. Dak.
George Warner, Great Bend, N. Dak.
A. M. Christensen, Minot, N. Dak.
Royce Dean, Hatton, N. Dak.
Homer Dixon, Grand Forks, N. Dak.
C. H. Conaway, Fargo, N. Dak.

VOTE YES ON CONSTITUTIONAL AMENDMENT NO. 5

INITIATED MEASURES

Reorganization of the Finances and Administrative Functions of the State of North Dakota.

Submitted by Initiative Petition.

The full text of which proposed Measure is as follows:

An Act Providing for the Reorganization of the Finances and Administrative Functions of the State of North Dakota by Creating and Establishing the State Board of Finance and Administration, Defining Its Powers, Duties and Obligations, Fixing the Terms and Compensation of the Members of Said Board, Making Certain Existing Appropriations Available for Its Use and Maintenance, and Transferring to Said State Board of Finance and Administration the Existing Powers, Duties and Obligations of the Existing Industrial Commission, Board of Administration, State Securities Commission, State Budget Board, State Auditing Board and State Publication and Printing Commission, Thereby Abolishing All of Said Boards and Commissions and Vesting in Said Board of Finance and Administration Full Power of Investment, Reinvestment, Sale and Purchase of monies and Securities of the Trust Funds of the Workmen's Compensation Fund, State Fire and Tornado Fund, State Bonding Fund, State Hail Insurance Fund, and Teachers Insurance and Retirement Fund, and Making Appropriations in Excess of State Income Void, and Providing Penalties and Repealing All Acts or Parts of Acts in Conflict with This Act.

Be It Enacted by the People of the State of North Dakota:

Section 1. MEMBERSHIP, APPOINTMENT, TERMS, BONDS.) There is hereby created and established the State Board of Finance and Administration, hereinafter called the Board, which shall consist of three citizens of the State of North Dakota, not more than two of whom shall be affiliated with the same political party, and who shall hold office for a term of six years, and until their respective successor is appointed and qualified. The terms of the first members of said board shall expire, one on the first Tuesday after the first Monday in January 1943, one on the first Tuesday after the first Monday in January 1945, and one on the first Tuesday after the first Monday in January 1947, and their respective successor shall be appointed for a full term of six years after the termination of each of said first terms. The appointment of such first Board shall be made as follows: Upon the Act becoming effective the Governor shall forthwith appoint three members of said Board, not more than two of whom shall be affiliated with the same political party, who shall hold office for the term designated in his appointment and until his respective successor is selected and qualified as herein provided; provided, however, the Governor shall submit the names of said three members to the Senate for confirmation on or before the 20th legislative day of the 27th legislative session, and if the appointment of any member is rejected by a majority vote of all Senators elect, his membership shall terminate and the unexpired term be filled as herein provided. The members so