

At-Large Workspace: Proposed Revisions to Bylaws

Section 11 – Additional Voting Thresholds

Public Comment Close	Statement Name	Status	Assignee (s)	Call for Comments Open	Call for Comments Close	Vote Open	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
05 May 2018	Proposed Revisions to Bylaws Section 11 – Additional Voting Thresholds	No Statement							Marika Konings policy-staff@icann.org	

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Brief Overview

Purpose: During its meeting on 30 January 2018, the GNSO Council resolved unanimously (<https://community.icann.org/display/gnsocouncilmeetings/Motions+30+January+2018>) to recommend that the ICANN Board of Directors adopt the proposed changes to section 11.3.i of the ICANN Bylaws to reflect additional GNSO voting thresholds which are different from the current threshold of a simple majority vote of each House (see <https://www.icann.org/en/system/files/files/proposed-revisions-bylaws-article-11-gnso-redline-19jun17-en.pdf> [PDF, 39 KB]). These additional voting thresholds are intended to address all the new or additional rights and responsibilities in relation to participation of the GNSO as a Decisional Participant in the Empowered Community to fully implement these new or additional rights and responsibilities as they appear in the revised GNSO Operating Procedures published on 30 January 2018 (see <https://gnso.icann.org/en/council/op-procedures-30jan18-en.pdf> [PDF, 1.68 MB]). In its resolution on 15 March 2018, the Board directs the President and CEO, or his designee(s), to post for public comment for a period of at least 40 days the Standard Bylaw Amendment reflecting proposed additions to section 11.3.i of the ICANN Bylaws to establish additional GNSO voting thresholds. (See: <https://www.icann.org/resources/board-material/resolutions-2018-03-15-en>)

Current Status: A redline version of section 11.3.i [PDF, 62 KB] [DOCX, 26 KB] of the ICANN Bylaws incorporating these changes is now published for public comment.

Next Steps: Following the close of the public comment forum and after taking public comments into account, the Board will consider the proposed changes to article 11 - Generic Names Supporting Organization of the ICANN Bylaws for adoption.

Section I: Description and Explanation

On 1 December 2016, the GNSO Council directed ICANN Policy Staff to draft proposed language for any necessary modifications or additions to the GNSO Operating Procedures and, if applicable, those parts of the ICANN Bylaws pertaining to the GNSO resulting from the new roles and responsibilities of the GNSO as a result of the post IANA Stewardship transition Bylaws. In its analysis of the recommendations in this regard (see <https://gnso.icann.org/en/drafts/bylaws-drafting-team-final-report-12oct16-en.pdf> [PDF, 278 KB]), staff concluded that in addition to changes to the GNSO Operating Procedures, there would need to be changes to section 11.3.i of the ICANN Bylaws to reflect new GNSO voting thresholds¹ which are different from the current threshold of a simple majority vote of each House. During its meeting on 30 January 2018, the GNSO Council resolved unanimously (<https://community.icann.org/display/gnsocouncilmeetings/Motions+30+January+2018>) to approve the revised GNSO Operating Procedures (see <https://gnso.icann.org/en/council/op-procedures-30jan18-en.pdf> [PDF, 1.68 MB]) and to recommend that the ICANN Board of Directors adopt the proposed changes to section 11.3.i of the ICANN Bylaws to reflect additional GNSO voting thresholds (see <https://www.icann.org/en/system/files/files/proposed-revisions-bylaws-article-11-gnso-redline-19jun17-en.pdf> [PDF, 39 KB]). These additional voting thresholds are intended to address all the new or additional rights and responsibilities in relation to participation of the GNSO as a Decisional Participant in the Empowered Community and to fully implement these new or additional rights and responsibilities as they appear in the revised GNSO Operating Procedures published on 30 January 2018. In its resolution on 15 March 2018, the Board directed the President and CEO, or his designee(s), to post for public comment for a period of at least 40 days the Standard Bylaw Amendment reflecting proposed additions to section 11.3.i of the ICANN Bylaws to establish additional GNSO voting thresholds. (See: <https://www.icann.org/resources/board-material/resolutions-2018-03-15-en>)

¹ Note, this only applies to voting thresholds that are not already specifically called out in the ICANN Bylaws but which are the result of the Bylaws DT recommendations.

Section II: Background

On 27 May 2016 the ICANN Board adopted a set of new ICANN Bylaws that reflect changes needed to implement the IANA Stewardship Transition Proposal as well as accountability recommendations. Following the completion of the transition, the GNSO Council recognized that changes might need to be made to the GNSO's current Operating Procedures and related mechanisms and to the ICANN Bylaws. The goal was to give effect to the new roles and obligations of the GNSO under the new ICANN Bylaws, such as those in this [table](#), including but not limited to the GNSO's participation in the Empowered Community. It tasked the GNSO Rights & Obligations under Revised Bylaws Drafting Team to put forward recommendations for needed further changes to ICANN Bylaws and/or GNSO Operating Procedures to enable effective GNSO participation in ICANN activities. On 30 June 2016, the GNSO Council approved the creation of a Drafting Team (DT) that was to work with ICANN staff to "fully identify all the new or additional rights and responsibilities that the GNSO has under the revised Bylaws, including but not limited to participation of the GNSO within the Empowered Community, and to develop new or modified structures and procedures (as necessary) to fully implement these new or additional rights and responsibilities". In creating the DT, the GNSO Council requested that the DT provide the GNSO Council with an implementation plan "which will have the consensus of the Drafting Team, including any recommendations for needed further changes to ICANN Bylaws and/or GNSO Operating Procedures to enable effective GNSO participation in ICANN activities under the revised ICANN Bylaws, not later than 30 September 2016". The DT submitted its Final Report to the GNSO Council on 12 October 2016 (<https://gnso.icann.org/en/drafts/bylaws-drafting-team-final-report-12oct16-en.pdf> [PDF, 278 KB]). On 1 December 2016, the GNSO Council accepted the recommendations in the DT's Final Report and directed ICANN Policy Staff to draft proposed language for any necessary modifications or additions to the GNSO Operating Procedures and, if applicable, those parts of the ICANN Bylaws pertaining to the GNSO. The GNSO Council also requested that ICANN Legal evaluate whether the proposed modifications were consistent with the post-transition Bylaws and report their findings to the GNSO Council. Staff worked with the Bylaws DT to address any open issues, inconsistencies identified and confirm assumptions. As a result, the staff report on how each recommendation was addressed as well as proposed changes to GNSO Operating Procedures & ICANN Bylaws were published for public comment on 19 June 2017 (see <https://www.icann.org/public-comments/gnso-op-procedures-2017-06-19-en>). The public comment period closed on 10 August 2017, with the report of public comments published on 1 September 2017 (see <https://www.icann.org/en/system/files/files/report-comments-gnso-op-procedures-31aug17-en.pdf> [PDF, 306 KB]). The GNSO Council reviewed and discussed the proposed changes as well as comments received during subsequent meetings in September and October and during the GNSO Council Strategic Planning Session (29-31 January 2018). During its meeting on 30 January 2018, the GNSO Council resolved unanimously (<https://community.icann.org/display/gnsocouncilmeetings/Motions+30+January+2018>) to approve the revised GNSO Operating Procedures (see <https://gnso.icann.org/en/council/op-procedures-30jan18-en.pdf> [PDF, 1.68 MB]) and to recommend that the ICANN Board of Directors adopt the proposed changes to section 11.3.i of the ICANN Bylaws to reflect additional GNSO voting thresholds which are different from the current threshold of a simple majority vote of each House (see <https://www.icann.org/en/system/files/files/proposed-revisions-bylaws-article-11-gnso-redline-19jun17-en.pdf> [PDF, 39 KB]). These additional voting thresholds are intended to address all the new or additional rights and responsibilities in relation to participation of the GNSO as a Decisional Participant in the Empowered Community and to fully implement these new or additional rights and responsibilities as they appear in the revised GNSO Operating Procedures published on 30 January 2018. In its resolution on 15 March 2018, the Board directs the President and CEO, or his designee(s), to post for public comment for a period of at least 40 days the Standard Bylaw Amendment reflecting proposed additions to section 11.3.i of the ICANN Bylaws to establish additional GNSO voting thresholds. (See: <https://www.icann.org/resources/board-material/resolutions-2018-03-15-en>.) Accordingly, the proposed additions to section 11.3.i of the ICANN Bylaws are now published for public comment.

Section III: Relevant Resources

- Redline version of ICANN Bylaws: [PDF, 62 KB] [DOCX, 26 KB]
- DT Final Report - <https://gnso.icann.org/en/drafts/bylaws-drafting-team-final-report-12oct16-en.pdf> [PDF, 278 KB]
- DT wiki space - <https://community.icann.org/x/yhCsAw>
- Revised GNSO Operating Procedures - <https://gnso.icann.org/en/council/op-procedures-30jan18-en.pdf> [PDF, 1.68 MB]

Section IV: Additional Information

N/A

Section V: Reports

FINAL VERSION TO BE SUBMITTED IF RATIFIED

The final version to be submitted, if the draft is ratified, will be placed here by upon completion of the vote.

FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The final draft version to be voted upon by the ALAC will be placed here before the vote is to begin.

FIRST DRAFT SUBMITTED

The first draft submitted will be placed here before the call for comments begins.