

Options to schedule Board Seat 11 elections 2020.

1. Introduction

Basic assumptions for Board Nomination are:

- According to the ICANN Bylaws, the ccNSO MUST have selected its candidate for Board Seat 11 and informed the ECA accordingly by 22 April 2020. Under the ICANN Bylaws (section 7.8) the ECA shall be informed by the ccNSO 6 months prior to conclusion of the relevant AGM i.e. 6 months before the end of the ICANN AGM in Hamburg (ICANN69, 17-22 October 2020). In this context it is important to realise that the ICANN Bylaws are paramount over internal rules of the ccNSO (see: section 10.3 (k) of the Bylaws).
- There should be a Q&A session by members (in Montreal or Cancun)
- The ccNSO Nominee for Board Seat 11 should have undergone a background check.

The integrity screening or background checking process as envisioned under the Guideline, will follow both in process and level of screening the proposed Uniform Board Member integrity screening, by an external entity.

See: <https://www.icann.org/en/system/files/files/proposed-uniform-board-integrity-screening-process-02mar18-en.pdf>.

As noted in email from the chair the Due Diligence / Background check may take 6-8 weeks, but this depends very much on:

- Location/residence of the candidate
- Signing of the relevant document by the candidate.

2. The Issue

Taking into account the potential duration of the background vetting process (6-8 weeks) and duration of the election, the Council needs to opt: for either for a due diligence in parallel with the Q&A in Montreal, which requires that election deviates from the guideline or risk missing the deadline of 22 April.

3. Options

In her email the chair proposed 3 options:

I. Option 1 A.

Montreal Q & A session (5 November 2019), all candidates undergo Background check prior to selection by members (starting 14 January 2020, due to seasonal Holidays)

The Q&A session in Montreal is still feasible if due diligence/background check is undertaken **In Parallel with or AFTER** the Q & A session in Montreal, however **BEFORE** the selection by the Members

To allow this to happen either:

- the Guideline needs to be amended.

or

- with a reference to section 5.2 of the guideline the timeline is accepted (impact of the Guideline is unreasonable the Council adopts the timeline).

If Guideline is changed this will have impact on future Board Nominations as well.

See for timeline the related GANTT chart Item 8.2 Option 1 A.

II. Option 1 B.

Q&A session in Cancun (10 March 2020) after completion of Background check. Member selection after Cancun (ICANN67)

Under this option no need to amend the Guideline or refer to section 5.2. Assumes that election takes place directly following the Q & A at ICANN67 (Cancun).

No option to limit the background check to the selected candidate, however there is a risk that results are only available after 22 April 2020

Also risk if only one candidate who does not pass the background check
See for timeline the related GANTT chart Item 8.2 Option 1 B

III. Option 2:

Montreal Q & A (5 November 2019), Selection of candidate after Q&A (first round end of November, 2 weeks after closure ICANN66). Conduct and background check after the selection of the candidate

- To allow this to happen, with a reference to section 5.2 of the guideline the timeline is accepted (impact of the Guideline is unreasonable the Council adopts the timeline).

Under the current version it is envisioned that the background check takes place of all candidates, prior to the selection process by the members. Under this option in addition to change of timing, the background check is limited to the selected candidate.

See for timeline the related GANTT chart Item 8.2 Option 2

4. Proposed option

Montreal Q & A session (5 November), all candidates undergo Background check prior to selection by members (starting 14 January 2020, due to seasonal Holidays)

Rationale

Under both other options risk that end date of 22 April will not be met, which is breaching the bylaws. This requires either a change of the guideline or the chair, supported by Council needs to revert to section 5.2 of the Guideline.

In addition, the members will always vote for candidate(s) who has/have been vetted, prior to the election.

Although risk of overshooting the 22 April 2020 deadline is limited with option 2, option 2 diverges in various aspects from the Guideline (reversing order of vetting and selection by the members).