

Subject: FW: [Ext] Bylaw amendment question
Date: Friday, August 9, 2019 at 5:13:43 AM Mountain Daylight Time
From: Bart Boswinkel
To: Kimberly Carlson
CC: katrina@nic.lv

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From: Bart Boswinkel <bart.boswinkel@icann.org>
Date: Friday, 9 August 2019 at 12:54
To: "McAuley, David" <dmcauley@Verisign.com>, "sdeerhake@nic.as" <sdeerhake@nic.as>
Cc: "katrina@nic.lv" <katrina@nic.lv>
Subject: Re: [Ext] Bylaw amendment question

Hi David,
Thank you for noting!!
And you are entirely correct. And this is again a Fundamental Bylaw 😞
Should have been done in one go

Maybe start this as soon as the Councils have agreed upon a change
Suggest that GRC notes and asks Council to include it in the Bylaw change repository
Kind regards,
Bart

From: "McAuley, David" <dmcauley@Verisign.com>
Date: Tuesday, 6 August 2019 at 19:33
To: "sdeerhake@nic.as" <sdeerhake@nic.as>
Cc: "katrina@nic.lv" <katrina@nic.lv>, Bart Boswinkel <bart.boswinkel@icann.org>
Subject: [Ext] Bylaw amendment question

Hi Stephen, Katrina, and Bart,

As we know, the fundamental bylaw change relating to IFRT has been out for public comment.

There may be a similar issue with respect to a so-called SCWG – a Separation Process Cross Community Working Group under Article 19 of Bylaws.

In recent work for the GNSO drafting team I have been looking at bylaw provisions on approval actions and

rejection actions. It seems to me that the potential for rejection actions on either the creation of or the recommendations by an SCWG on possible IANA separation from PTI might face the same bylaws-language issue regarding ccNSO appointment on a non-ccNSO member – I'd be interested in your take on this Stephen.

While SCWGs may never happen (unlike IFRTs) and should be exceedingly rare if they ever do happen, Section 19.5 reads much like Section 18.7 that is in the public comment process.

And so this note is for both double-checking and, if this is right, FYI for planning purposes – given the expected rarity of SCWGs we can perhaps log this for amendment in future if this assessment is correct. Having said that, while presumably rare, an SCWG would, of course, be tasked with a matter that is quite serious and potentially urgent.

Best regards,
David

David McAuley
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