

ccNSO Governance session

June 2021

3rd ccNSO Governance session

GRC Rules subgroup

1 Include principles in Rules

- The ccNSO is a bottom-up organization. The members give guidance to the Council, as stated in the Bylaws.
- The ccNSO is open and transparent to members and non-members.
- The ccNSO will operate transparently and in public, wherever possible and on a non-discriminatory basis.
- There should be minimum periods of notice for meetings and votes.
- There should be a minimum a turnout or quorum for a vote to be valid, with a regional representation.
- The ccNSO operates on the principle of one member, one vote, unless specifically provided otherwise.
- The ccNSO should be able to make decisions at face-to-face, virtual and hybrid meetings, and on-line.
- The ccNSO wishes to allow non- members to participate in discussions on issue before the ccNSO.

❖ Poll 1 - Do you support inclusion of the Principles in the membership Rules?

2 Change Mechanism - Membership Rules

Currently, only members can change the Membership Rules

❖ Poll 2 - Should only members be able to change the membership rules?

3 Change Mechanism - Guidelines (Operational Procedures)

Guidelines (Operational Procedures) are introduced and / or changed by the following mechanism:

- GRC to draft/update Guideline
- Council feed-back and comments, and update Guideline if necessary
- Membership consultation feed-back and comments, and update Guideline if necessary
- Council Adoption of new Guideline/ updated version Guideline

The change mechanism for Guidelines (Operational Procedures) is NOT included in the 2004 Rules

Section 10.4(k): The ccNSO Council, subject to direction by the ccNSO members, shall adopt such rules and procedures for the ccNSO as it deems necessary, provided they are consistent with these Bylaws.

❖ Poll 3 - Should the main requirements on how to change Operational Procedures / Guidelines be included in membership Rules?

4 Council only Decisions

Council only Decisions are currently NOT explicitly listed in the Rules.

Examples:

- Decisions reserved for the ccNSO Council according to the Bylaws such as the Board Seat 11 and 12 Nomination (section 10.3(i))
- ccNSO Council only in Guidelines, such as if the ccNSO as a Decisional Participant needs to take a decision within 14 days.

❖ Poll 4 - Should the Council only decisions be listed in membership rules?

5 Council Decisions, subject to Members Veto

Under the 2004 Rules **all Council decisions are subject to a veto by the members**, unless ICANN Bylaws specifically reserve decision to ccNSO Council.

Exceptions:

- Board Seat 11 and 12 Nomination (section 10.3(i),
- Council decisions listed in Annex B of the Bylaws, ccNSO Policy Development Process

The range of decisions to which this rule applies is currently very wide.

From: ICANN Board Director Removal and Rejecting ICANN's Yearly Budget,

Over: Approval Guidelines and Charters, ccNSO Council Statements

To: appointment Members WG

5 Council Decisions, subject to Members Veto

- ❖ Poll 5 - Should **all** Council decisions be subject to a veto? (except those which are explicitly reserved for the Council)

6 Requirements to Veto a Council Decision

The 2004 Rules state that 10 % of ccNSO members (currently 18 Members) may ask for a vote to veto a Council Decision.

Further, the request for a vote by members should be submitted to the Council within 7 days after publication of the decision.

❖ Poll 6 - Should the basic requirements to request a veto vote by the members be included in the Rules?

6 Requirements to Veto a Council Decision – Detailed questions

- ❖ Poll 7 -What should be minimal number of members who could ask for a vote?
- ❖ Poll 8 - What should be the maximum period during which members may request a vote?

7 Members only Decisions (Not provided in the Bylaws)

Currently some decisions are exclusively reserved for member(s) in the Bylaws, for example the Members vote on the outcome of a ccPDP and the Council election.

However, other decisions are reserved for the members only through the ccNSO Rules or Guidelines. Examples are:

- Change of Members Rules (Rules)
 - Request vote on Council decision (Rules)
 - Veto Council decision (Rules)
 - Board seat 11 and 12 candidate selection (nomination and election of candidate) (Guidelines)
- ❖ Poll 9 - Should the decisions, which are reserved to be taken by the ccNSO membership only all be listed in the Rules?

7 Members only Decisions (not provided in Bylaws)

As a Decisional Participant the ccNSO may have to take very impactful decisions:

- Recall of the full Board
- Removal of a ccNSO appointed Board member or NomCom Board member
- Decide on a Rejection Petition, for example to reject the ICANN Budget for the upcoming year
- Approve or object to a Fundamental Bylaw Change

These decisions must be taken during a specific decision period defined in Annex D of the Bylaws (21 days). If a decision is not made within that timeframe it is deemed to be an abstention.

To date these decisions have been structured as decisions by the Council subject to a veto by the members. Effectively, due to timelines, 10 % of the ccNSO membership (18 members) could force that the ccNSO as Decisional Participant has to abstain.

- ❖ Poll 10 - Going forward: should the final decisions of the ccNSO as Decisional Participant be a members only decision?

8 Members Vote / Decision-making

The 2004 Rules provide mechanisms for electronic voting and voting by the members at in person meetings:

- Electronic vote: At least 5 days notification and to remain open 14 days
 - In person meeting: Notification at least 14 days (email), Resolution needs to be properly moved and seconded
- ❖ Poll 11 - Should the basic requirements for members voting be included in the members Rules?

9 Quorum Rule

The 2004 rules thresholds for a valid vote are:

- 50 % of the ccNSO members (currently: 87 members) and
- 2 members per ICANN Geographic Region

If quorum is not met, there will be a second round of voting after 14 days with no threshold

- ❖ Poll 12 - Should a quorum requirement (minimum number of members participate in decision-making) remain in place to have a valid members decision?

9 Quorum Rule - Detailed questions

- ❖ Poll 13- If a quorum rule should remain in place, what should be the minimal number of members that need to cast a vote?
- ❖ Poll 14- if the quorum is not met, should there be a second round of voting?

10 Review of the members Rules

Since 2004 the ccNSO Rules have not been regularly reviewed.

The proposal is to introduce a review of the Rules at a regular interval or at the request of members and/or Council.

- ❖ Poll 15- Should a standard review mechanism be introduced?
- ❖ Poll 16 - Should Membership or Council be able to request a review of the Rules?