

Rules for the ccNSO Membership (2021 Draft)

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0. Introduction & Principles

0.A Introduction

These are the Rules for the ccNSO Membership, as approved by the Members and adopted by the ccNSO Council in [Month] [Year]. They replace the Rules of the ccNSO which were adopted in 2004.

The governance of the ccNSO is based on three different sources. In the event of conflict, they are ranked in order of precedence:

- a. **First:** The ICANN Bylaws.
- b. **Second:** The Rules for the ccNSO Membership (hereinafter - Rules).
- c. **Third:** Operating Procedures (also referred to as “ccNSO Guidelines”). The purpose of the Operating Procedures is to set forth a detailed course of action for operational or administrative activities. These are developed at the initiative of the ccNSO Council.

The Rules and Operating Procedures are in accordance with ICANN Bylaws, Article 10, Section 10.3(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. Rules for ccNSO membership and operating procedures adopted by the ccNSO Council shall be published on the Website.”

0.B Principles

The following general principles constitute the foundation of the ccNSO; however, they are not part of the Rules:

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

They were initially expressed as context for the further development and application of the Rules and Operating Procedures and have proven to be valid through the passage of time. These principles inform and guide the development of the ccNSO.

1. ccNSO Decision-making

1.1 Members only decision, other than explicitly provided in the ICANN Bylaws

In addition to the decisions in the ICANN Bylaws which have been reserved to be taken by the ccNSO Membership, the following resolutions and/or decisions are reserved to be taken by the ccNSO Members exclusively:

- A.** Members vote to change the Rules.
- B.** Veto vote on ccNSO Council resolutions and/or decisions as provided for in the Rules.
- C.** ICANN Board of Directors Seats 11 and 12 elections

Details on the voting procedure and other aspects of the ICANN Board of Directors Seats 11 and 12 elections are specified in the relevant Operating Procedures.

1.2 ccNSO Council-only decisions, other than explicitly provided in the ICANN Bylaws

The following limited set of resolutions and decisions are reserved to be taken exclusively by the ccNSO Council; thus, the Members Veto Mechanism does NOT apply:

I. Administrative resolutions and/or decisions:

- Appointment of Members to working groups, committees, study groups and cross community working groups.
- Appointment of liaisons.
- ccNSO Council meeting schedules, agendas and minutes.
- Voting on and Processing of Membership applications.
- Request a call for volunteers.
- Request the preparation of a timeline for upcoming activities.
- Request the summary of an activity

II. The ccNSO Council resolution and/or decision to adopt a change to the Rules.

III. Placeholder: resolutions and/or decisions as Decisional Participant, will be included at a later stage Details on the procedures and other aspects of ccNSO as a Decisional Participant are specified in the relevant Operating Procedures.

1.3 ccNSO Council Decisions, subject to the members veto mechanism

1.3.1 ccNSO Council Decisions, subject to the members veto

All ccNSO Council resolutions and/or decisions are subject to the Members Veto Mechanism (as provided in section 1.3.2 below), unless specifically determined otherwise in the ICANN Bylaws or under the Rules.

1.3.2 ccNSO Council Decisions, The effective date of resolutions and/or decisions /Members' Veto Mechanism

The ccNSO Council must publish all of its resolutions and/or decisions as soon as possible to the appropriate ccNSO list(s) and on the website of the ccNSO, but in any case, within seven (7) calendar days after the resolution and/or decision was passed. Each Resolution and Decision shall include the date it becomes effective.

The effective date is determined as follows:

- i. resolutions and/or decisions which are exclusively reserved to be taken by the ccNSO Council, upon date of publication.

- ii. All other resolutions and/or decisions seven (7) calendar days after publication, subject to the written request for a Members' veto vote by at least ten (10) Members of the ccNSO from at least ten (10) different Territories and representing no less than three (3) ICANN Geographic regions.

The written request (Members' Notification) for a Members' veto vote must be sent by electronic means to the ccNSO Secretariat or the ccNSO Council Chair during seven (7) calendar days mentioned under 1.3.2.ii. To be effective as a Members' Notification it must include, at a minimum:

1. The names of the objecting ccTLD Managers; and
2. The ccNSO Council resolution and/or decision that is being objected to and a brief explanation of the objection(s).

An effective Members' Notification shall, upon timely receipt by the ccNSO Secretariat or ccNSO Council Chair, suspend the resolution and/or decision from taking effect.

If the ccNSO Council believes the resolution and/or decision should become effective:

- i. The ccNSO Council will prepare a statement as to why it believes the resolution and/or decision should become effective (Council's Notification).
- ii. The ccNSO Council Chair or a person designated by the Chair shall send both the Members' Notification and the Council's Notification to the Members list and publish both on the ccNSO Website no later than 7 calendar days after receipt of the Members' Notification.
- iii. The ccNSO Council Chair or a person designated by the Chair shall initiate an electronic voting process by the ccNSO Members within 7 calendar days upon receipt of the Members' Notification.

- iv.** The electronic vote by the Members shall start five (5) calendar days after initiation of the vote by the ccNSO Council.
- v.** Section 2 of the Rules apply to the Members' veto vote, however specific provisions of this section 1.3.2. supersede similar provision of section 2.

If the ccNSO Council believes the resolution and/or decision should NOT become effective following the Members' Notification, the ccNSO Council Chair shall inform the Members accordingly, and the resolution and/ or decision shall be rescinded.

2. Decision making process by the ccNSO Membership.

2.1 Electronic Vote by the Members

The ccNSO Members vote shall be conducted electronically. An electronic vote of the Members can be initiated by any of the following:

- The ccNSO Council
- The Chair of the ccNSO Council
- Ten (10) Members of the ccNSO from at least ten (10) different Territories and representing no less than two (2) ICANN Geographic Regions

A vote shall commence five (5) calendar days after the notification of the proposed matter to be voted upon, and the vote shall stay open for a period of fourteen (14) calendar days. The quorum rule for voting applies.

Unless otherwise specified a resolution and/or decision will be deemed to have passed by a Simple Majority.

Provisions in this section shall apply to all voting by the ccNSO Membership, unless otherwise provided in the ICANN Bylaws or the Rules.

2.2 Quorum rule for Electronic vote by the members

Quorum is the minimum number of votes that should be cast for a voting to be valid. The Members' quorum requirement shall apply only to the Members' vote.

The quorum shall be at least thirty-three percent (33%) of the total Membership of the ccNSO, with at least three (3) Members per ICANN Region.

In the event that at least thirty-three percent (33%) of the ccNSO Members with at least three (3) Members per ICANN Region vote, the voting shall be valid.

[option 1] In the event the quorum is not met, the Members will be deemed to have abstained and the status quo remains: ccNSO Council Resolutions and Decisions will become effective, amendment to the Rules will not pass and Members' decisions will not be taken.

[option 3] In the event the quorum is not met, a second vote will automatically start 14 calendar days after closure of the first round of voting. The results of the second vote will be valid if at least 33% of the Members with at least three (3) Members per ICANN Region cast their vote. In the event the quorum is not met, the Members will be deemed to have abstained and the status quo remains.

3. Review of the Rules

The Rules should be reviewed:

- Every five (5) years after adoption of an amended version, on whether they are effective and serve their purpose; or
- At the request of:
 - The ccNSO Council
 - The Chair of the ccNSO
 - Ten (10) Members of the ccNSO from at least ten (10) different Territories and representing no less than three (3) ICANN Geographic Regions

Each review will be conducted by a group of volunteers from Members of the ccNSO and in accordance with a method determined by the ccNSO Council, subject to the Members Veto Mechanism.

Each review is to include the opportunity for input from the broader ccTLD community and ccNSO Council. Any recommended changes to the **Rules** must be ratified by the ccNSO Members in the manner described in Section 4 of these Rules.

4. Change of the Rules for ccNSO Membership and Operating Procedures

4.1 Mechanism to amend the Rules

To change the Rules both the ccNSO Membership and the ccNSO Council have to adopt the amended Rules.

First, and after consultation of the ccNSO Membership, at least 14 members of the ccNSO Council must vote in favor to adopt the proposed amendment of the Rules.

Following the adoption by the ccNSO Council, the proposed amendments to the Rules must be circulated to all Members and the Members vote shall start no sooner than twenty-one (21) calendar days and no later than twenty-eight (28) calendar days after the date the proposed amendments have been circulated to the Members.

The Members shall have adopted the amended Rules if at least a Super Majority of the votes cast are in favor of the proposed changes. Section 2.2 on the Members Vote quorum applies.

Within five (5) calendar days after conclusion of the Members Vote the voting report shall be submitted to the ccNSO Council for approval and published on the ccNSO website together with the amended Rules as adopted by the Members. The Membership shall be informed accordingly through the appropriate ccNSO list(s). The ccNSO Council has to vote whether to approve the voting report within seven (7) calendar days after its publication. The amended Rules become effective upon approval of the voting report by the ccNSO Council.

4.2 Change mechanism - Operating Procedures or ccNSO Guidelines

An Operating Procedure shall be developed or amended at the initiative of the ccNSO Council.

Before voting on the adoption of the Operating Procedure, the ccNSO Council must consult the Members of the ccNSO.

The ccNSO Council decision to adopt an Operating Procedure is subject to the Members Veto Mechanism.

Glossary

Member of the ccNSO - ccTLD Manager whose application for membership was approved by the ccNSO Council (Section 10.4 (b) ICANN Bylaws)

ccNSO Membership or Members - All ccNSO Members

country code Names Supporting Organization or ccNSO – The ccNSO shall consist of (a) Members and (b) a ccNSO Council (see section 10.2 ICANN Bylaws)

ccTLD Manager – The organization or entity responsible for managing a (ASCII or IDN) country code top-level domain (ccTLD) according to and under the current heading “Delegation Record” in the Root Zone Database, or under any later modification, for that country-code top-level domain

Territory - For purposes of the Rules, “Territory” is defined to be the country, dependency or other area of particular geopolitical interest listed on the ‘International Standard ISO 3166-1, Codes for the representation of names of countries and their subdivisions – Part 1: Country Codes’, or, in some exceptional cases listed on the reserved ISO 3166-1 code elements.

Quorum - The minimum number of Member votes that MUST be cast for a voting to be valid.

Simple Majority - 50% + 1 or next higher round number of the total votes cast are in favor.

Super Majority - 66% or next higher round number the total votes cast are in favor.

Extraordinary Super Majority - 75% or next higher round number of the votes cast are in favor.

Plurality - In the case of three (3) or more alternatives to choose from, the one which receives more votes than any other will be understood to be the preferred alternative.