Guideline: ccNSO Nominations Process ICANN Board Seats 11 and 12

Version 4.0 Redline
Date of review: May 2022
Date of adoption by the ccNSO Council: xxx 2020

1   Introduction and Background

According to the ICANN Bylaw Article 10, Section 10.3(i), the ccNSO Council shall nominate individuals to fill Seats 11 and 12 on the Board by written ballot or by action at a meeting; any such nomination must have affirmative votes of a majority of all the members of the ccNSO Council then in office.

Notification of the ccNSO Council's nomination(s) shall be given by the Chair of the ccNSO Council in writing to the EC Administration, with a copy to the Secretary, and the EC shall promptly act on it as provided in Article 7, Section 7.25 of the ICANN Bylaws[1].

The ccNSO Council and ccNSO members have agreed that the ccNSO members shall propose and elect candidates for the two ICANN Board seats allocated to the ccNSO, and that the winner(s) of said election(s) shall, in turn, be nominated by a majority vote of the ccNSO Council to the ICANN Board seat(s).

2   Purpose of the Guideline

The purpose of this Guideline is to describe the procedures and timeline for the ccNSO Nominations Process.

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[1] Text of Section 7.25
Upon its receipt of nominations as provided in Articles 7 through 12, the EC Administration, on behalf of the EC, shall promptly notify the Secretary of the EC's designation of individuals to fill seats on the Board. ICANN shall post all such designations promptly to the Website.

3   Timeline and Process

3.1   Initiation of Board member's Nomination Process

3.1.1   Initiation of Regular Board Seat Nomination Process (Article 7, Section 7.8(a)(iv) and (vi))

At least one (1) year before the individual nominated will fill Seat 11 or 12 on the ICANN Board of Directors, the ccNSO Council shall appoint a Nomination Process Manager. Under the direction of the Council, the Nomination Process Manager shall determine the timeline for the Nomination Process of candidate(s), including the due diligence verifications and, to the extent necessary, election periods to fill the ccNSO seats on the ICANN Board.

3.1.2   Initiation of Board Seat Nomination Process in case of vacancies (Article 7, Section 7.12(a))

[PLACEHOLDER: To be revisited once the Guideline: ccNSO Procedures Board (Members) Removal Process(es) has become effective).

3.1.3   Initiation of Board Seat Nomination Process when all Directors are recalled (Article 7, Section 7.12(b))

[PLACEHOLDER: To be revisited once the Guideline: ccNSO Procedures Board (Members) Removal Process(es) has become effective).

3.2   Timeline

The timeline should allow enough time for the nomination by members of a candidate, due diligence verifications, the election of the nominee(s) by the ccNSO membership, including, if necessary, a second round and/or run-off election, and formal nomination by the ccNSO Council. A regular replacement Nomination Process for Seat 11 or 12 should – per Section 7.8 of the ICANN Bylaws - be completed at least six (6) months before the conclusion of the ICANN annual meeting when the standard term for Seat 11 or 12 ends[2]. The timeline should include at least dates for the following milestones:

- Appointment of the Nomination Process Manager
- Call for Candidates
- Acceptance of candidacy
- Expected duration of the Due Diligence verifications

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[2] In the event the Nomination Process is terminated because of the circumstances foreseen in section 3.5 or section 3.7

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- Presentation of Candidate Statements
- Start and end of the election rounds and run-off election
- Closure of Election process
- Nomination by the ccNSO Council.

The Secretariat will publish the timeline adopted by the ccNSO Council on the ccNSO website.

3.3   Appointment of the Nomination Process Manager

The Nomination Process Manager manages the timeline and procedures, including the election.

The Nomination Process Manager must be someone who cannot propose a candidate, second or vote, and has no direct connection with a ccTLD manager or other potential conflict of interest.

3.4   Call for Candidates

The Nomination Process Manager will announce the call for candidates at the time outlined in the nomination timeline established by the ccNSO Council.   The call for candidates must include a closing date, which will be at least three two (3) (2) weeks after the call.   The call will further include a description on how to nominate and second a candidate and will refer to the templates for nominating candidates and seconding the nomination(s).   These templates shall contain at least the following:

Nominating Template
1a. Full name of the candidate:
1b. E-mail address of the candidate:
1c. Country of Citizenship or Domicile of the candidate[3].
2a. Full name of the nominator:
2b. E-mail address of the nominator:
2c. ccTLD manager represented by the nominator:

Seconding Template
1 Full name of nominator whose candidate is being seconded:
2a. Full name of the nominee being seconded:
2b. E-mail address of the nominee being seconded:
3a. Full name of the seconder:
3b. E-mail address of the seconder:
3c. ccTLD manager represented by the seconder:

When calling for candidate(s), the Nomination Process Manager will remind all concerned of the following requirements:

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[3] As defined in Section 7. 2

- To nominate suitable candidates, reference the relevant sections in Article 7 of the ICANN Bylaws.
- Per Article 7, Section 7.2(c) of the ICANN Bylaws, candidate(s) to be nominated and the remaining ccNSO nominated Board member or the two elected to be nominated candidates shall NOT be citizens from the same country or of countries located in the same ICANN Geographic Region.

Each ccNSO member, through its Representative, may nominate and/or second one(1) or more candidates. The nomination and/or secondment shall be published.

If a ccNSO member nominates a second candidate, only the first nomination will be valid and published. Following nomination(s) by that ccNSO member will be made public, but with a clear note "not valid", for the avoidance of doubt:
- Nominating and seconding of candidate(s) is limited to ccTLD Managers who are members of the ccNSO on the date the call for candidates is published.
- Suppose the organization or entity listed in the DNS Rootzone Database whois as ccTLD Manager nominates and seconds the same candidate. In that case, only the nomination is considered valid, and the secondment for the same candidate shall be deemed invalid.

Candidates are not required to be employed by a ccTLD Manager to be eligible for nomination. Still, if there is an employment or other relationship, the candidate should disclose it as part of their Candidate Statement.

All nominations must be seconded by another ccNSO member.

The templates for nominations and secondments shall be posted on the ccNSO website. The archive of the nominations and secondments will be publicly available.

On the relevant date, as outlined in the nomination timeline established by the ccNSO Council, the Nomination Process Manager will announce the closure of the nomination period.

3.5 Acceptance of Candidacy

After the call for candidates is closed, the Nomination Process Manager shall ensure that nominees formally accept their nominations. By accepting the nomination, the nominee warrants and is aware of, and consents to:

- The Country of Citizenship or Domicile included in the nomination form.
- Not to hold a position as an official of a national government or a multinational entity (section 7.4 (a) of the ICANN Bylaws)
- Section 7.4 (b) of the ICANN Bylaws
- Section 7.4 (d) of the ICANN Bylaws

- Fully cooperate to undergo a due diligence screening by an external provider, which includes providing necessary consent to the ICANN to transmit personal data to the due diligence provider. Candidates must know that the external due diligence provider will approach them to sign a consent form before the actual due diligence begins.

After acceptance of the nomination by the candidate(s), the Chair of the ccNSO Council or other person designated by the ccNSO Council in the event the Chair is a candidate shall inform ICANN's General Counsel's office and provide it with all relevant candidate information. The General Counsel's Office will notify the independent Due Diligence Provider, give all relevant candidate information, and ask the provider to work directly with the candidates to begin and complete the due diligence process.

The candidate(s) will be approached by the independent provider and asked to sign a consent form. Suppose a candidate does not provide consent or rescinds the consent to undergo the due diligence process. In that case, the Council will be informed, and that person's candidacy will be terminated.

After the Due Diligence Provider has concluded the due diligence review, the due diligence results are provided to designated members of ICANN's General Counsel's Office to evaluate. If there are no issues, the General Counsel's Office will notify the Chair of the ccNSO Council [and vice chair(s)] or other designated person in case the Chair has accepted the nomination, and the candidate(s) will be informed accordingly. Suppose the General Counsel's Office identifies an issue or potential issue. In that case, it will also notify the Chair of the ccNSO Council [and vice chair(s)] or other designated person in case the Chair has accepted the nomination, along with a description of the issue or potential issue. The Chair of the ccNSO Council or other designated person will update the full Council (except for a potential candidate who is still a Councillor) on the results of the due diligence, i.e., whether no concerns have surfaced or concerns were raised that warrant further consideration and decisions.

After a satisfactory conclusion of the due diligence process, i.e., no concerns resulting from the due diligence review regarding the candidate(s), the process continues with the Q&A session by the ccNSO Members at the first ccNSO Members meeting following the conclusion of the due diligence process.

In the event one or more issues result in concerns about the candidate's ability to serve on the ICANN Board of Directors, the Chair of the ccNSO Council, or other designated person in case the Chair has accepted the nomination, may request the candidate to step-down or to propose to Council to terminate the candidacy of that person or to terminate the Nomination Process. Suppose a candidate decides to step down, or that person's nomination is terminated, and the candidate was the only nominee. In that case, the Nomination Process is deemed to be terminated on the day the candidacy is terminated. The Council's decision to terminate the Nomination Process or end the candidacy of a person needs to be taken by a simple majority vote.

If the Nomination Process is terminated under this section, section 3.9 applies.

3.6 Presentation of Candidate Statements

The Nomination Process Manager will ask the candidate(s) to provide and present a written Candidate Statement before the start of the due diligence verifications. Candidate Statement(s) shall be published on the ccNSO website (in alphabetical order). The Nomination Process Manager will not publish Candidate Statement(s) that do not meet the current ICANN Standards of Behavior or contain defamatory or derogatory statements.

At the time designated in the timeline and after the first ICANN meeting following the closure of the Due Diligence verifications, during the ccNSO Members Meeting, ccNSO members and others will be provided with the opportunity to meet and question the candidate(s). This session will preferably occur during a Members meeting during an ICANN meeting. An independent person will chair the meeting without affiliation or connection with any candidate(s).

3.7 Election and run-off election
Even if there is only one Candidate or two Candidates, if two seats become vacant, the Nomination Process Manager will inform the ccNSO Council and members about the election date.

The election should not close start earlier than two weeks after the closure of the Q&A session. The election will be conducted in the following manner:
- The Nomination Process Manager will issue a formal Election Notice to all ccNSO members and publish it on the ccNSO website. All ccTLD Managers who are members of the ccNSO one day prior to the day the formal Election Notice is published Nomination Process Manager starts the voting process are able may vote through their Emissaries.
- The issuing of the Election Notice marks the start of the voting process.
- The Election Notice will include at a minimum:
    - The names of the Candidates
    - Information on how the election will be conducted
    - Election opening and closing dates.
- The Nomination Process Manager will issue an E-mail to the Emissaries designated contact of each ccNSO member, which will indicate how to vote and the date and time by which votes must be received.
- The vote will be confidential. That is, the vote is identified only by a code and not by a name.
- The ballot will include the name(s) of the candidate(s) and "None of the above." "None of the above" will mean that the ccTLD Manager believes the candidate(s) is/are not qualified to serve on the ICANN Board of Directors.

- Where the election is for one seat, each ccNSO member will be entitled to vote for up to one candidate. Where the election is for two seats, each ccNSO member will be entitled to vote for up to two candidates.
- The election voting period will be at least two weeks, but no longer than three (3) weeks, after which the Nomination Process Manager will close the voting and count the votes.
- The candidate(s) that receive the plurality ~~majority~~ of the votes cast by the ccNSO members, shall be the candidate(s) who is(are) elected to be nominated by the ccNSO Council.

If the plurality ~~majority~~ of the votes cast is "None of the Above," the Nomination Process shall be terminated, and section 3.9 applies.

In the event of a tied vote, a run-off election vote or votes will be held no later than one month after the conclusion of the first round of voting.

3.8 Closure of Election process

As soon as possible, but no later than two (2) weeks after the closure of the election, the Nomination Process Manager shall inform the ccNSO Chair or other designated person in case the Chair has accepted the nomination and the Candidates of the results of the election. The Nomination Process Manager will issue the results to all ccNSO members and publish them on the ccNSO website.

The ccNSO Chair or other designated person, if the Chair has accepted the nomination, will then put the election results to a vote of the ccNSO Council.

3.9 Termination of the Nomination Process

If the Nomination Process is terminated, for whatever reason, the Council will initiate a new Nomination Process by appointing the Nomination Process Manager and adopting a new Timeline. Suppose it is expected that the new Nomination Process will not be completed at least six (6) months before the conclusion of the ICANN annual meeting at which the regular term for Seat 11 or 12 ends. In that case, the Chair of the ccNSO will inform ICANN's General Counsel Office and the EC Administration accordingly within two(2) business days after the Council's decisions to appoint the Nomination Process Manager and adopt the new timeline have become effective.

4   Nomination by the ccNSO Council

The ccNSO Council shall confirm the election and nomination of the candidate for the seat becoming vacant at its first meeting following the written submission of the name of the successful candidate(s) or the result of the election(s) to the ccNSO Council.

If a ccNSO Council meeting cannot occur in time before the ccNSO Council is required to nominate the candidate[4], the ccNSO Council will conduct an E-mail decision to confirm the Nomination. To be selected, there needs to be an affirmative vote by the majority of the ccNSO Council members in office at the time of the vote.

Notification of the ccNSO Council's nomination(s) shall be given by the Chair of the ccNSO Council in writing to the EC Administration, with a copy to the Secretary.

5   Miscellaneous

5.1   ccNSO Internal Guideline

This Guideline is an internal rule of the ccNSO in accordance with Article 10, Section 10.3(k) and Article 10, Section 10.4(b) of the ICANN Bylaws.

5.2   Omission in or unreasonable impact of the Guideline

If this guideline does not provide guidance and/or the impact is unreasonable, the Chair of the ccNSO Council will decide upon any questions or issues.

5.3   Review of Guidelines

This guideline will be reviewed every third year starting in 2019 or in the event of changing circumstances.

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[4] According to the Bylaws the ccNSO nominated Board member needs to be designated by the ECA 6 months before the end of the AGM at which the Nominee is expected to take the Seat (See Section 7.8 (d) of the ICANN Bylaws).

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6   Roles and Responsibilities Assignments

Task	Chair	ccNSO Council	Secretariat	ccNSO members	Nominees	Secretary of ICANN, EC Admin	Nomination Process Manager
Adopt the timeline		R	I				
Publish the timeline			R				
Appoint Nomination Process Manager		R					I
Announce the call				I			R
Nominate				R, I			I
Second				R, I			I
Accept nomination				I	R		I
Vote on candidates		R		I			I
Vote on election results		R		I			I
Notify of the nomination(s)	R					I	

R – Responsible, A – Accountable, C – Consulted, I - Informed

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This situation is captured above with the reference to the entity or organisation in DNA Rootzone. It also avoids the situation that for example the manager for .ex and .ex in Greek (which ar eby definition different ccTDL Managers) can nominate and second oen and the same candidate.