GISELLA GRUBER:	Welcome everyone to today's Joint Board Candidate Evaluation Committee and Board Member Selection Process Committee Working Group Call on Wednesday, 10th of September at 13:00 UTC. On today's call we have Tijani Ben Jemaa, Maureen Hilyard, Olivier Crépin-Leblond, Cheryl Langdon-Orr, Fatimata Seye Sylla, Roberto Gaetano, Alan Greenberg and Andrew Mack. Dev Anand Teelucksingh has just joined us as well. Apologies noted from Siranush Vardanyan.
	From staff today we have myself, Gisella Gruber. If I can please remind everyone to state their names when speaking for transcript purposes. Thank you and over to you, Tijani.
TIJANI BEN JEMAA:	Thank you very much Gisella. I'd like to also note that Oksana has already apologized. We have her apologies. Thank you Gisella. Good morning, good afternoon and good evening. This is the joint call between the BCEC and the BMSPC. It's the second one. The first one was a few weeks ago. I remember that curing that call we didn't discuss a lot because we didn't have the documents under our eyes. We decided to do the second call to have all the documents, to try to study them and to come and deeply discuss the subjects. That's why we are here today.
	You have the Agenda. Do you agree on the Agenda? Are there any comments on it? If not we'll go to the next Agenda Item, which is the continuing discussion. You'll see there are three documents. Roberto gave a document. Alan and Cheryl gave a document and I gave a

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document. Those three documents, I tried to compile them for myself and I will try to walk through all the points raised in those three documents and try to find a consensus on what we have to do to mitigate the problems faced during the 2014 selection.

I'll begin with Roberto. The first point was the replacement of the defective Members of the BCEC and I added "BMSPC". Roberto proposed that a process has to be defined to replace the Members of the BCEC who are not participating. I don't know what your point of view is. Is there any comment on this point? Do you think we have to replace the defective Members of the Committee, or do you think that we have to work with the people who are working and that's all? No comment?

ANDREW MACK: Tijani, two questions from me… My apologies for not being on the last call but I've been very busy work-wise. The two questions are, how many people do we have as active Members? If we have critical mass, maybe let's just move on? The second question is, what is, in the near-term, on our to-do list? That will determine how many people we may need. If it's going to be a lot of work then maybe we need more people, but if it's not, maybe we just continue with the people who've shown that they can do it.

TIJANI BEN JEMAA: Thank you very much Andrew for this contribution. Alan?

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ALAN GREENBERG: Thank you. I'll go to the question you asked in a moment. This meeting caught me by somewhat of a surprise, and I'm very time-constrained. If we could go onto the Items that Cheryl and I provided at some point soon, I would appreciate it. In answer to that question, I think it's a judgment call. If you're near to the beginning of the process where there's not a lot of catching up to do then I think you should give a RALO an opportunity to identify someone to replace them if someone's really dropping out. If it's halfway through the process I think you've got to live with it. Tell the RALO that their people are not working, and so be it.

TIJANI BEN JEMAA: Thank you Alan. Yes, I think that at least we have to have all the regions represented in the Committee, so if there's at least one from each region, we can think of the replacement. It's not as if we don't have anyone from the region. In this case we have to have at least one of the defective people from the region.

ALAN GREENBERG: Unless the region decides they're willing to go without it.

TIJANI BEN JEMAA: Yes. Okay. You're right Alan. I'll go to your documents and then we'll come back to Roberto. The first point is the voting methods. This point was raised by Alan, Cheryl and myself. It's because during 2014 we faced a misunderstanding between all of us. I remember that in the BMSPC we tried to find the best vote method for each step of the selection, and it was in the presence of the ALAC Chair. We also had the

staff who were trying to find the best way with us. We were faced by Alan's remarks about the method and he said it was not the right way to do it.

I understand very well Alan's concern, but I went through the two methods he described in his note and tried to understand the reasoning behind it. I understand it very well. It's clear, but perhaps we're not the best people who know the working system, and consequently, maybe even inside ICANN or perhaps outside ICANN would be feasible to have the best methods for each step. When we agree on those methods we have to include them in the Rules of Procedure, definitely. Alan?

ALAN GREENBERG: I don't think we have to worry about how what happened, happened. It's quite clear from the changes in the Rules of Procedure that Cheryl and I are suggesting that what was done, and what was documented in the Rules, did not correspond to what the original plan was. We have all the original documents. We messed up on several different levels. The Rules didn't reflect what should be done. This was the first time that we ever had a situation with more than three candidates.

The world unfolds as it does, and we can't go back and change history. The suggestion here is, based on the references that we have of the original plan, to simply make sure the Rules are clear for the future. It's not really a matter of "was a mistake made?" or "did people simply not understand the background?" That's history. We want to make sure going forward that we don't have a similar situation.

TIJANI BEN JEMAA: Thank you Alan. Any other comments on this very important point?

ALAN GREENBERG: The one thing this does do, which wasn't mentioned originally, but I know you had commented on and I commented on, is that there's absolutely no reason that on the first round, even if we have 37 candidates, if one of them gets more than half the votes we shouldn't belabor the issue and keep on going. That's an obvious statement that everyone should have concluded, but to be honest we didn't when we did the original procedures. We didn't capture it. It's there now – or will; be there, assuming the ALAC agrees.

TIJANI BEN JEMAA: Alan, I explained this point because I know there's a full agreement among all of us, so it's something we can agree on immediately. It will be in another point. You'll see it. Any other comment about the voting methods? I propose that we make a constituency about the voting methods, and we try to find people who are specialized in voting systems. Do you agree on that or do you just agree on adopting what Alan's proposed?

ALAN GREENBERG: Tijani, do remember this is an ALAC decision to change the Rules, not the BCEC. All you can do is make a recommendation.

TIJANI BEN JEMAA: I know. We will not change anything Alan. We are only recommending.

ALAN GREENBERG: I was just making that clear for the other people who may not have been aware of that.

TIJANI BEN JEMAA: Okay. Thank you. Cheryl?

CHERYL LANGDON-ORR: Thanks. The point you just made, Tijani, about whether or not you need to bring in expertize, we actually have [Board in 00:10:50] expertize on things like single transferable votes, etcetera, before. All that's great, but it only ever educates the half-dozen people who care to come and listen to the expert at the time. If that wasn't the case we wouldn't be having this conversation again now. What I would suggest is, if you're all in agreement, put this proposal to the ALAC for consideration – and I sincerely hope adoption – and propose in addition to that that the ALAC have a briefing, which can be an actual webinar or face-to-face, or simply a set of documents on the Wiki, not unlike the reference material where we look at forms of how we run meetings, etcetera.

Then there will be authorized sets of text from experts that can be clearly looked at for those who get interested, excited, or need to cross-reference these things in the future. I'm not suggesting that getting expert advice is a bad thing. Quite the contrary. I'm just very aware that all it does is educate a small community at a particular point in time, and what would be good would be to propose to the ALAC that it has access to something with a little more longevity, as an authoritative text. I note

for example in the APRALO Rules we refer to popular text references that we're comfortable with to explain how we operate in the region, with things like Wikipedia references, etcetera.

Certainly you can ask and you certainly should, I think, suggest to the ALAC that it seeks the proper advice; albeit just do what Alan and I say is a good idea most of the time – that is tongue in cheek, partly, and a joke, for the transcript – but ICANN is a client of Big Pulse. Big Pulse has expertize. It has documents. We could even ask them to write a plain-English explanation. I'm happy to have the references. It's something that's probably good as part of the proposal, but as Alan said, what this does is catch up on things that were in some ways assumed during the first process, but were not tested until his current one. Of course what we're trying to do is future-proof and build a better model. Thank you.

TIJANI BEN JEMAA: Thank you Cheryl. Alan?

ALAN GREENBERG: Thank you. I would guess that the teleconference we had with Big Pulse, talking about voting methods – and we did do that last time, it's still floating around somewhere on an ICANN disc and it may be pointed to already on one of the documents, I'm not sure, but if not we can certainly do that – I think the BMSPC needs to recommend to the ALAC that it be comfortable with what's put in the Rules. I think the due diligence was already done and I think we can point to it.

TIJANI BEN JEMAA: Thank you Alan. Any other comments? If not I'll go to the second point, which is publishing the intermediate results. Should the intermediate results be published? Alan and Cheryl find it would benefit in helping voters make their selection for the next round, and also for the [unclear]. What do you think? Alan?

ALAN GREENBERG: Again, this was something that was discussed at very great length, and the original proposal from Cheryl – because it's the way things are done in Australia – was that we simply have a single round, and the single round, using a single transferable vote… At that point it's an instant runoff, because an instant runoff is a specific case of single transferable vote where there's only one winner.

The original proposal – or one of the ones we discussed at the time – was that you take all the candidates, put them in an instant runoff vote, and the winner comes out. There was a lot of concern among people who were not very familiar in their day-to-day life with that kind of voting. Australia uses it but many countries do not. There was a strong feeling that we wanted the process as visible, and moreover, human nature is that when you say, "Who do you want to win?" and you say, "Candidate A," the single transferable vote or instant runoff says, "If A doesn't win, who do you want next?"

People have a hard time getting their mind around the fact that their favorite candidate loses and therefore the ones ranked after one, people do not necessarily do it with the same thought process that they do, once they know A didn't win. That's why it was strongly felt that there

must be multiple rounds, certainly towards the end of the process, and that people had to have an opportunity of knowing how the vote was going, and they may change their vote.

That again was discussed at very great length at the time, and it was strongly felt that it was important for the Electorate to understand the dynamics, and that in fact would likely to change the outcome. That's the history of it.

TIJANI BEN JEMAA: Thank you. Andrew?

ANDREW MACK: Tijani and Alan, a clarifying question if I may? I'm also of a limited familiarity with the Australian system. You don't publish who votes for what, you just publish the number of votes that each candidate got in each round, correct?

ALAN GREENBERG: Correct, and the case of the first phase where there might be several decision points along the way. The concept of a single transferable vote, if you start off with ten candidates, if a single candidate does not get enough votes – more than half the votes – then the one with the lower number is dropped off and their second choice is picked. Big Pulse tends to show you the logic as you went through the rounds, but of course never saying who voted for what.

ANDREW MACK: Here's a question that I have for all. This works perfectly if it's a multiple round set-up, where one or two people drop off, or everyone that doesn't reach a certain threshold drops off, but are you talking about effectively saying, "I'm going to give a vote to number one, and then my second favorite candidate is X and my third favorite is Y"?

ALAN GREENBERG: That's what happens in the single transferable vote. In the first round where we're trying to get it down to three. There was a worry at the time that if we did multiple rounds, eliminating one person each time, if we started off with a large number the process would take a very long time.

ANDREW MACK: Understood.

ALAN GREENBERG: A compromise was reached using single transferable vote to get down to three, and then multiple single rounds where the outcomes would be fully disclosed each time so people could make their next vote based on the knowledge of what happened the previous time.

ANDREW MACK: Okay, then I think I understand you. I think it's a challenge for a lot of people that I may have one person I'm very strongly in favor of, and then not have a strong preference between candidates two and three, or a strong one and two and then not for three and four.

ALAN GREENBERG: That's the reason that we went to multiple rounds at the end of the process.

ANDREW MACK: It makes sense. The other way to structure it – and I'm largely indifferent, I'm just learning about this new system – would be to set some sort of a threshold, which is to say if we have multiple candidates, any candidate that does not achieve an X per cent threshold automatically drops out. That's the other way I know of to do it. I throw that out as an option but I'm not strong on either one. Both would be fine.

ALAN GREENBERG: That is what a single transferable vote does. That's what our multiple rounds do. The candidate with the least votes drops out and you do it again.

CHERYL LANGDON-ORR: There's also a threshold, is what Andrew was specifically referring to.

ANDREW MACK: That's the way I understand it.

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ALAN GREENBERG: The ones that got no votes, if they're below a threshold, the process will eliminate them. What this covers is if someone got no votes in the very first round of an STV, but they were the second choice; candidate Z is eliminated because they got no votes at all. Candidate X got one vote but might have been the second choice… That doesn't work. I'm sorry. Candidate Z gets one vote. Candidate Y gets two votes. Candidate Y might have been the second choice for the Z voter, so they may end up with three in the second round. You have to go through the process one by one to see how many each had at each stage.

CHERYL LANGDON-ORR: Yes, but Big Pulse does that for you. Whatever mechanism you decide, you don't have to worry quite so much about the mathematics of it. What you do need to worry about is that the system you're running in the future, that everyone knows what mechanism is used and that they can understand it and it's predictable. I think what Alan and I proposed is a mechanism where there I predictability. We do have a number of people who were concerned about just using pure STV in the first round.

That may, I would suggest, continue to happen particularly when you get people into a system in the future who are less familiar with different types of voting, which are not quite so constrained and representational as other types of voting. It really doesn't matter also which one the ALAC chooses.   In my view, what matters is that you've got clear guidelines as to what's used and why. You can always change it if it becomes a problem.

There are, of course, very, very few – if any – voting systems that cannot be gained or taken advantage of in some way, shape or form, by the highly experienced and savvy practitioner of these things. Whether it's done as back room deals or otherwise, for preferences, etcetera. The thing you want to be baked into these systems, regardless of what you choose, is that maximum possibility of transparency.

In other words, make sure your full Electorate has as much access as humanly possible to as much detail as humanly possible, stopping short – because this is the way ALAC does things and is also the way most people are comfortable – from the information of who actually voted for whom. That transparency has to go hand-in-hand with whatever you go and choose.

TIJANI BEN JEMAA: Thank you Cheryl. Andrew, I can tell you that this voting system is not the easiest, the most simple. If you try to understand it you have to do a lot of counting until you reach the result. It's not simple. It's more or less complicated. This is what was put on the Whitepaper and that's why we're now discussing it.

ANDREW MACK: All I'm going to do is agree with Alan, which is to say regardless of which system we decide on, I don't think it's that big a deal, but I think we need to make sure that it's really clear, we stick with it, and we translate it into relatively straightforward language, so that people for whom English is not their first or second language, they can easily understand what's going on. That's all.

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TIJANI BEN JEMAA: Thank you. Very good point. Fatimata?

FATIMATA SEYE SYLLA: Thank you Tijani. My question isn't about the selection of the three best ones and the voting system, but about the transparency. Are you talking about all the At-Large lists, or are you talking about this Committee? If it's this Committee, we all know who's who. Is that what you're talking about? Are you talking about publishing the three names on the At-Large list? Alan and Cheryl?

TIJANI BEN JEMAA: Alan was proposing that the result of the first round, the intermediate result, are published. [Intermediate] result with the details, but you don't have the names of the voters. You only have what the votes are that are cast for each one; for first preference, second preference, etcetera. This is what Alan meant by that.

FATIMATA SEYE SYLLA: What is the point?

TIJANI BEN JEMAA: The point is that when you publish the intermediate result, Alan says that this will help the voters to vote for the upcoming steps of the process with more information. It will help them make the right vote. This is the rationale of Alan.

FATIMATA SEYE SYLLA: Without the names?

ALAN GREENBERG: Without the names of the voters.

FATIMATA SEYE SYLLA: Okay. We'll have the names of the candidates?

CHERYL LANGDON-ORR: Yes.

FATIMATA SEYE SYLLA: Good. Thank you. I agree with the suggested proposal.

TIJANI BEN JEMAA: Thank you. Now we have Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Tijani. This STV is one that's a little confusing to a lot of people, because it's only used in a certain number of countries. I was looking at the Wiki page on it and it's not such a large list of countries. However, it certainly fulfills our needs in the first round. What we will have to do though is provide some explanation for future Chairs on how to use this, because it certainly was very confusing for all of us, in some specific cases. For example, would you use STV if to start with you only

had two or three candidates? This is the kind of thing that's confusing for some.

That's the first thing. With regards to publishing the names of people, the results of the first round, of the STV, and giving the names of the candidates and results, I have no preference for this. It doesn't really matter, I guess. I don't agree with the point that it would help people in making a choice in the second round. I think ultimately it will just make things more political, because some people might switch from one to another, depending on the percentage that their candidate has. That happens anyway, in any case.

Frankly, the whole experience of having all these elections is painful, as far as I'm concerned, and I'd rather have something that's as painless as possible, because the amount of time we waste on these things is incredible. The amount of results we get out of the people that get selected – no disrespect to any past, present or ALAC Chair – you just think for some cases that the amount of energy that's spent on these elections could be better spent elsewhere.

Finally, the real concern is what do we use for the second round? You'll have noticed that this year we had a second round, a third round, and it just went on. We ended up with so many ties. It was quite difficult to eliminate those ties. It doesn't appear to be mentioned anywhere whether one uses just majority voting for the next rounds afterwards, or what type of voting system one uses. I think it would be of great help.

We thought initially it would be a STV, but of course, finding out that you can't really have an STV between two or three people just made it very

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complicated indeed. I must admit, we were driving a little bit into darkness at that time. Thank you.

TIJANI BEN JEMAA: Yes. Alan, do you have any reaction to that?

ALAN GREENBERG: Yes, I do. I have several reactions. A couple of things – first of all, yes, STV or instant runoff for that matter, if you're going for one candidate it is confusing. That is why it was not used for the last rounds. We felt because of the desire of some people at the time to have what might be a large number of total candidate in the race, we had to use it for the first rounds. The reason that we published the intermediate rounds is so people can see how their candidate lost out. It's not a black box.

Otherwise you have people saying, "I know my candidate really got more votes and shouldn't have been eliminated." That makes it visible so it's an auditable process that people can believe was not faked or gamed. Yes, it is a complex process. It was deemed to be the only possible way we could go forward at that time. In terms of the following rounds and what to do in ties and whether we use single majority, that's all documented very well, Olivier. I'm sorry. It is there. We're going to try and make it a little clearer, but that is well documented.

The complexity of the STV is why we did go to complete single rounds with just the majority wins in the successive rounds. Remember, we're only talking about the Board Member selection. We're not talking about how we select Chairs or anything else. My overall concern about this

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entire conversation is what we ended up with out of the Whitepaper, which was then approved by the Board, was discussed over a period of many months by dozens and dozens of people, and this was the consensus of the group.

If we're going to reopen the process now, we're going to have to reopen it to At-Large and relive through that process and go back through all the debates of who should be the Electorate and how should people be voting and things like that. I really think we have more important things on our plate right now than to do that. I think you need to be very careful in what you're recommending to the ALAC, because if you were talking about reopening the process, then we are going to have to reopen it from scratch.

CHERYL LANGDON-ORR: You'll get universal suffrage and everything else brought up.

ALAN GREENBERG: Well, we'll have many, many discussions. This was a process that came out of a vast amount of discussion and a lot of investigation with experts. Careful. This small group is not empowered to make changes at this point, or even recommend them without going back to At-Large.

CHERYL LANGDON-ORR: What we have done Alan… If I may, Tijani, just to some of Olivier's points, with the tweaks we have proposed to you, that I hope you're going to pass onto the ALAC for consideration on their Rules of Procedure – in other words, those things that happen between 19.11.2

and 19.11.6 or .7, it is in our paper and it should make it clear, for future exercises, what happens when you do get down to two candidates and indeed what happens when you get a possibility – as you did in your last experience – of having a tie.

To that end, I think much of what Olivier is concerned about is the historical context. We believe that we've bolted a whole lot of stuff over the holes that seem to happen in the process with these new proposals. If the ALAC was to look at these and take them on board, it should make it easier in the future. Sorry for jumping in.

TIJANI BEN JEMAA: Thank you Cheryl. I have Dev on the list, but before that I'd like to tell you, Alan, that yes, the regional Whitepaper said that, and with two rounds of experience we may have other ideas and we may ask for change. I'm not afraid of discussion. If ALAC Members are convinced that this has to change, ALAC has to proceed and propose changes. I am not afraid of any change. I agree with you that what we have now is this.

The recommendation is to keep it now as it is, but we can think about it. If we find it's very complicated for people to understand or for people to implement, perhaps it's better to find another system that's easier, that's more understandable, and that gives the results that gives us the best Board Member from the ALAC. Dev?

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DEV ANAND TEELUCKSINGH: Thank you Tijani.   Thanks to Alan and Cheryl for these recommendations. I think this was sorely needed. I have two clarifying questions here. In 19.11.4, there's a mention here, "If there's a time for [unclear 00:37:39] and sufficient time remains, the BMSPC will run a tied election." Then it goes on in 19.11.6, it says, "If there's no time to run the tied election over again." My question is, who exactly is making the call as to whether sufficient time remains? Is it the BMSPC?

CHERYL LANGDON-ORR: The drop-dead is when you come up against a point in time where you cannot announce and confirm a clear winner by the bylaw-mandated date. It's not a personal opinion on time, it's a bylaw-mandated drop-dead date, working backwards from the date of an AGM, any particular year that this exercise goes through. It's not subjective. It's absolutely prescriptive.   If you come up against that, and in future times, if suddenly everybody has a vote option of their smart wristwatch or whatever, it could be as close as a minute to midnight UTC on that given day.

This is written so that regardless of how the technology works on the voting, as long as there is time, you've got a mechanism, and if there isn't time you've got an out.

DAT: Okay. I do have one other question. Just to clarity it in my mind, just to make sure I understand it fully, in 19.11.4, if there's a tie for last position, the BMSPC will run the tied election again with the same candidates. Now, hypothetically, in that tied election, if one candidate

receives more than 50 per cent of the votes cast then that candidate will be declare the winner in that rerun election?

CHERYL LANGDON-ORR: Correct. As soon as it tips over the 50 per cent in that process then they are the declared winner.

TIJANI BEN JEMAA: Thank you Dev. Alan?

ALAN GREENBERG: Two quick points. First of all, I'm not afraid of discussion either and reopening the issue, but note that the procedures that were decided on, which were not well-documented, and I take full blame for that because I was involved in writing both sets of Rules of Procedure – the original and the revised one – have never actually been used at this point. Yes, if something isn't working we should look at it again, but at this point we haven't actually done that.

With regards to what Cheryl just said, I'll give a softer version than Cheryl's, because if you notice that the gNSO Non-Contracted Party House just selected their Board Member a couple of weeks ago, several months late. To answer Dev's question, it is the BMSPC that's running the election, and the BMSPC Chair, in conjunction with the BMSPC, that makes that judgment call.

That judgment call could be bound by the dates that Cheryl said. You could go to ICANN Legal and say, "Can you handle another few days?

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We'd really like to not use a random selection." That's a judgment call of that group at the time.

TIJANI BEN JEMAA: Thank you Alan. For this point, are there other comments? No. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you Tijani. I'm going to ask my question again, because I don't think I've got an answer for that. It's to do with the round after the first round. We've mandated to have instant run-off in the first round. Are we mandating what the subsequent rounds are supposed to use as a voting method – majority or whatever?

CHERYL LANGDON-ORR: Majority. 50 per cent plus one.

OLIVIER CRÉPIN-LEBLOND: I'm just saying it would help if that was added. I do understand you're saying, "Let's not reopen the whole voting process again." I'm not suggesting to open the whole Rules of Procedure on this, but just something… Perhaps you might wish to do an adjunct document or something for the help of staff and Chair, to use that in the second round.

CHERYL LANGDON-ORR: Olivier, is it possible for you to read through the suggested Rules of Procedure changes that Alan and I have proposed? We actually thought

we did make that desire of yours clear. Just tell us in which one of those, what words need to go into 19.11.4 to make it clearer. .4 and then .5. We've clearly said, "Should one candidate receive more than 50 per cent of the vote cast, that candidate shall be declared a winner." That is saying the type of electoral process that goes on in the post-STV world.

If it needs to be clearer language, then just propose the language to the BMSPC and put it into this document and then ship it off to the ALAC, who'll shoot it up anyway.

ALAN GREENBERG: Or to the ALAC, when it comes to the ALAC.

CHERYL LANGDON-ORR: Exactly.

OLIVIER CRÉPIN-LEBLOND: The problem in 19.11.4 is that it shows that STV is used in that round, and then it goes, "The election will be run again"…

CHERYL LANGDON-ORR: Not in 11.4 it doesn't. 11.4 is the end point past which STV is not referred to after that.

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ALAN GREENBERG:	In any case, Olivier, if you think it's not clear that in the round of three people… If you think there's a possibility people would think we're using STV in that round, we will make it infinitely clearer.
CHERYL LANGDON-ORR:	Yes. New words required, that's not a problem, but that's where the words belong; between 11.3, .4, and .5.
OLIVIER CRÉPIN-LEBLOND:	Is there anything that deals with STV ties?
CHERYL LANGDON-ORR:	STVs don't get ties.
OLIVIER CRÉPIN-LEBLOND:	There are ties for the second and third… For some reason we ended up with a tie, so we had a problem with getting rid of one person.
TIJANI BEN JEMAA:	The next point is tie-breaking, so we'll deal with tie-breaking now. If we are finished with publishing the [intermediary] results with the voting system, we'll go to the tie-breaking now. I see hands raised. Olivier and Alan. Alan?
ALAN GREENBERG:	Just to clarify for Olivier, in the STV round, which is only to get it down to three, there could be ties in the last places. The voting mechanisms

factor that in, and we can find out from Big Pulse exactly how they handle that. That is, if you are trying to go down from four to three and there's a tie, there is a possibility of an issue and the system does address that. We can document how that is done. STV voting has a lot of options that can be selected.

I will point out something that Tijani is correct about. The people who were on the BMSPC this time, and the staff Members we have, were not familiar with. At the time these documents were originally written we had two staff Members who were exceedingly familiar with STV voting and all of these processes. That's one of the reasons it didn't get documented properly. We're clearly going to have to fix that in the future. That's acknowledged. One of the problems was we did not have staff members that were familiar with the different voting schemes, and that's an issue we will have to address.

TIJANI BEN JEMAA: Thank you Alan. Going to the tie-breaking, Alan and Cheryl think that the tie-breaking vote should be run for all candidates, including the non-tied ones, but the Rules of Procedure says that the tie-breaking vote can't be run more than once each step. That means that if the results don't change after a tie-breaking vote, we will break the tie using a random method. Is it normal that all the candidates, including the non-tied ones, run in the random selection?

CHERYL LANGDON-ORR: No, only the tied ones.

ALAN GREENBERG: Cheryl, careful. The rationale for including the overall ones is that the people may decide to change votes, including ones who voted for the first one. That's the secondary reason. The more important reason that you do not have a runoff just between the ones that are tied for last place is that there's a concept called strategic voting. Let me use the names of the candidates in this last round.

CHERYL LANGDON-ORR: Alan, wait a minute. Tijani was referring to when there is only two candidates remaining, and you're referring to the round prior to that. Make sure everyone's clear about who's talking about what.

ALAN GREENBERG: In both cases it says you rerun the whole election in case there's a change.

TIJANI BEN JEMAA: Alan, you didn't answer my question. Do you accept that we run a random selection among all the candidates, including the non-tied ones?

ALAN GREENBERG: No. If it says that it's a mistake.

CHERYL LANGDON-ORR: That's not what it says.

ALAN GREENBERG: Can you point me to which section you're talking about?

TIJANI BEN JEMAA: I'm talking about the tie-breaking.   The Rules of Procedure say we can run it only once at each step. If the tie is not broken we would be obliged to go to the random selection…

ALAN GREENBERG: Okay. It says, "To identify the candidate to be removed," and that should say, "Among the tied candidates." You're not going to use the random selection to eliminate the one who was the clear winner of the three if at the time there were three. Yes, you're correct. That needs to be clarified.

TIJANI BEN JEMAA: Okay. Second point now, I come to the original problem. The original problem is that if you run the tie-breaking vote with the non-tied candidate, you've said if we don't do it we'll have a strategic voting. If we do, also we'll have a strategic voting.

CHERYL LANGDON-ORR: You're always going to have strategic voting.

TIJANI BEN JEMAA: Yes. I mean the people will not vote according to what they think is the best choice. They will vote according to the way their candidate will win; according to the intermediate results and according to running the tie-breaking for all the candidates.

ALAN GREENBERG: Tijani, yes, that is possible. If there is one candidate that has not a majority of the overall votes, but a clear amount ahead of the two tied candidates, if you rerun it again it's possible one of those will say, "I'm going to vote for the third candidate to try to make sure that the second candidate doesn't get more votes." They could do that. If enough of them do that then the candidate in the first place will slip out of first place and lose. There's a great risk in doing that, and not many people will take that risk of trying to manipulate who is in second or third, at the potential expense of the first one they really want.

Yes, someone could do that, but they're not likely to because they may really lose out. the situation that's more worrisome is that if you just have a run-off between the candidates in second and third place, all the voters' votes, including those who voted for what is now the first place candidate, and they don't have their own candidate to vote for anymore, they can pick and choose which of the other ones. Someone can say, "I'll vote for the candidate I think is really best of those two," – that's what we'd hope they'd do – but they could also vote for the weakest candidate so that that person comes out ahead in the runoff round and then the candidate they really favored is facing a weaker candidate in the very last round. That's the strategic voting that's really critical.

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CHERYL LANGDON-ORR: If I may Alan, it's almost impossible, as I said earlier, to avoid that sort of strategic planning with a highly savvy sub-set of the Electorate. It's less of a problem however if you've got maximum transparency, so the community can at least see or try and dig out if and when that has happened. Yes, it's a risk, but there is no system that doesn't have some sort of strategic voting risk, and that includes universal suffrage, by the way. There is strategic voting risk there as well.

TIJANI BEN JEMAA: I have read the Whitepaper again and I didn't find any motion that said that we had to run the tie-breaking vote among all the candidates. I think that this issue has to be discussed more deeply, because there is a risk here [unclear 00:53:15]. It is to me unfair to make someone who has the best score run again in a tie-breaking vote. That can make him be in danger. This is my point of view. I need people in the group to discuss it.

CHERYL LANGDON-ORR: Bring it up with the ALAC when they need to discuss it, because it is, after all, the ALAC's job to look at proposed changes to…

TIJANI BEN JEMAA: Cheryl, please, I understand that very well. I am not talking about the decision. I'm talking about the recommendation. What kind of recommendation do we give to ALAC? This is what I'm talking about. I'm not talking about decision. Alan?

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ALAN GREENBERG: Very quickly, it is something that needs to be discussed, and clearly the BMSPC can make whatever recommendation it recommends, and if you want to evaluate the two options here in your recommendation that's fine. The ALAC will certainly look at it again if it's an issue of concern, and I have no doubt it will be brought up. I really need to get off this call soon. I think it can be demonstrated that the risks are very different in the two scenarios, and we can certainly talk about that at greater length. I could readily document it, if I had more time.

TIJANI BEN JEMAA: Thank you Alan. Olivier? Alan has to leave so we have to go quickly.

OLIVIER CRÉPIN-LEBLOND: If I get this correct, the most number of votes that would be needed would be six rounds of voting, basically. Two rounds for the STV, then two rounds to go from three to two, then two rounds to select a winner from those two that are remaining. That's the most number.

ALAN GREENBERG: If there is time allowed.

OLIVIER CRÉPIN-LEBLOND: I think that's what we ended up with. If there's no time then what do we do – pick it out of a hat?

ALAN GREENBERG: The STV is only one round, so it's five, not six.

CHERYL LANGDON-ORR: If there's no time, it is only a matter of – if there is still a tied election – you doing a random method, which is inclusive of picking out of a hat. I've seen Board Members appointed from a hat-pick.

OLIVIER CRÉPIN-LEBLOND: Oh dear.

CHERYL LANGDON-ORR: It's actually quite reasonable. When you've got a situation where you've gone through four or five very valid rounds, and for whatever reason the Electorate is still voting 50/50 on two candidates remaining, there's absolutely nothing wrong with a random choice like that.

ALAN GREENBERG: Olivier, there are really two choices. You either go to random selection or you give someone a second vote to get rid of the imbalance.

CHERYL LANGDON-ORR: A tie-breaker.

ALAN GREENBERG: Certainly either of those are something that could be done, and in terms of the limitation of only one rerun, that's an easy change to make. If we want to say there can be multiple reruns, and it's BMSPC decision on whether there's time to do it, I have no problem with that. That's not

really a significant thing. Certainly we want to avoid randomness if we can, and I have no problem saying there can be more than one round. I don't think that's really a delineating thing. That would not violate the intent of the original process.

OLIVIER CRÉPIN-LEBLOND: Alan, you just said earlier that an STV is just one round. You need to take three candidates out of however many candidates you started with. There might be cases where you have two candidates that are ahead and two candidates that are tied. That would be number three and number four. Do you not then have to run that again?

ALAN GREENBERG: I believe the STV vote process covers that, and there may well be a random selection involved in that. We need to go back to Big Pulse and find out. It's not as onerous then, because it's not picking the final candidate, but yes, there is a possibility of that, and that is allowed for in the process. I don't recall the answer to that, but it may involve looking at the past voting history and who has the most cumulative votes, or it may involve random selection. I think we do need to look at that. You are right. The situation can arise.

TIJANI BEN JEMAA: Okay. The last point for the tie-breaking is that the random tie-breaking method should be clearly detailed as the guidelines document. We have to document it, because we don't want it to be really random. Someone does it like this, another does it like that, and there will be a lot of

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complaints. If ALAC agree on a certain method, it will be included in my point of view and the guidelines. Going to the next point, which is the proxy use, a very hot point, there are two points.

The first is that each replacement should be clearly specified to a voting member who's not able to vote. If a RALO is to select two replacements for two members, it has to be specified which replacement is replacing whom. This is one point that I want to explain, because it was a problem last time. I don't think that there is someone who's against that. The next point, which is more important, Alan thinks that the replacement of the ALAC Member who is at the same time a candidate should vote under the direction of the [unclear 00:59:58] ALAC Member. In this case, why doesn't he or she vote in this case? It's simpler and will give exactly the same result. Alan?

ALAN GREENBERG: Let me talk about that. If you are talking about a replacement because the person is not eligible to vote, that is a candidate, that's not a proxy. That's a replacement candidate and that candidate votes according to their own free will. If I didn't write the draft and Cheryl didn't catch the errors then it needs to be fixed. The issue of voting under the direction of the person who was going to vote is a proxy, and that says, "I am due to have open-heart surgery.

I will not be able to cast a vote, and therefore I'd like John to cast my vote for me, I just can't physically do it." It should be the original candidate who directs. John, just because we identify John as a proxy, should not be given the choice. That's part of deciding who the

Electorate was and that's a big thing. There are two very different cases if a candidate is ineligible, versus… Let me address your original point of if there's two candidates from one region.

One of the issues that came up – and it's a BMSPC decision in a future round – is that if one of the candidates is eliminated very early, should they get their vote back, if they're no longer a candidate? That's one of the things that could be discussed.

TIJANI BEN JEMAA: I know. This is the original problem, but to address this problem we had also the problem of the fact that we had two replacements, but we don't know who is replacing whom. This is another problem. I come back to your clarification. Thank you for clarifying that. In the proposed Rules of Procedure modification, it is not written like this. It's written for all the replacements.

You said the ALAC Members, or the people who are replacing ALAC Members, should consult with the community – they're encouraged to consult – but their votes are absolutely independent. You added the vote should be the vote of the original voter.

ALAN GREENBERG: What you're pointing out is in the proposed rewrite of the Rules of Procedure we didn't clarify sufficiently the difference between a replacement voter and a proxy, and in that case we need to clarify it.

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TIJANI BEN JEMAA: Exactly. Thank you very much.

ALAN GREENBERG: Good point.

TIJANI BEN JEMAA: Thank you. Are there any other comments on proxies or replacements? No. I'll go to the next point of Alan's, which is the winner from the first round. This is the point on which we're all on the same ground. We propose that we can have the final winner from the first round, if he or she has more than 50 per cent of the votes. Any comment on that? No. Thank you.

We go to the next point, which is communication between the candidates and the At-Large community. This is not Alan's proposal. It's mine. The communication between the candidates and the At-Large community. We faced the problem last time because the BMSPC, at its first call, decided that there is only one channel of communication, which is the Wiki, and some candidates were angry and they expressed their disappointment. I immediately called for another call and explained to them what people are feeling.

The decision was changed and we had a call for communication. I think that this should be now officially made clear in the guidelines, that the communication channels should be any kind of channel that the candidates or the community proposes, so that it is not [receptive 01:04:50]. Now I will come back to Roberto's points. The second point of Roberto is starting earlier, and I think he is right. Alan, I need you

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here. Last time we started our process on the 24th of September 2013 – almost 13 months prior to the 2014 General Assembly.

Roberto proposed that this must be five or eight months earlier. He proposed it must be done in the first ICANN Meeting of the previous year, and he suggests that the timeline should avoid to have critical actions scheduled holiday period – not only in the western region but in the whole world. I think this is a good point and I think we need to have the process started earlier. I think the first ICANN Meeting is too early. Perhaps the second one. What do you think? Alan?

ALAN GREENBERG: I agree with the concept. I wouldn't want to put something as rigid as that and as early as that into the process. Yes, it needs to start early enough. That's already said somewhere. Did we start early enough this time? No. We really didn't do our homework well enough to start early enough, and we ended up in a bit of a rush. That needs to be done better next time, correct. I wouldn't want to see it very prescriptive. I think we need to allow some flexibility. The guidelines he's talking about, however, are completely reasonable.

TIJANI BEN JEMAA: Yes, but Alan, there's enough time to [propose it at 01:06:53] the third meeting of the previous year. I think that if we start at the second ICANN Meeting of the previous year it will be reasonable. We can write it in the guidelines so that people won't forget to start early.

ALAN GREENBERG: Yes, but be a bit careful. Remember, some years there's only two meetings. You don't want to say which meeting of the year. You could get yourself into real trouble this year.

TIJANI BEN JEMAA: I was thinking of calendar year, not fiscal year.

ALAN GREENBERG: Nevertheless, we don't know which meeting structure someone's going to go to in the future. The statement that it needs adequate time and the fact that we thought we were going to do it with adequate time this time and we blew it is a lesson that will not be forgotten. There'll be enough people around.

TIJANI BEN JEMAA: Thank you. Any other remark about this point, starting earlier? Also, avoiding any critical action during the holiday period is very important. Alan, you want to speak?

ALAN GREENBERG: Sorry, old hand.

TIJANI BEN JEMAA: Okay. Confidentiality. Roberto said that we had to decide on the confidentiality well before the process is started. What information will be collected and who will have access to it? What confidentiality agreement has to be signed, and so on. All those points. He said that it

should be clear from the beginning who should have access to what. Those are the questions of Roberto. Are there any comment on that? I think he's right. Alan?

ALAN GREENBERG: My only comment on that is we did specify that groups like the BCEC, which are the ones that set the detailed rules, should document this really well for the next version, and hopefully you will. Then we won't have to reinvent it each time. The last one did do some documentation, but if you feel it was not sufficient, and Roberto clearly felt it was not sufficient, what he was given by the last BCEC, then let's do a better job for the future.

TIJANI BEN JEMAA: Thank you.   I am proposing that we have a guidelines document, in which we put all those things, so that for the next round people will be more informed about what happened before and what the recommendations are. The next point will be authorization for sharing the EOI. Roberto says that we have to tell the candidates very clearly from the beginning that the EOI will be sent to the referees, and explicitly ask for their authorization before the process is started.

Personally I don't feel comfortable with that, because we have to make it clear in the Rules of Procedure that the EOI of the candidate will be given to the referees. We have to inform the candidate about that officially. We don't have to ask for his permission. If he's not okay with that he won't submit his EOI. That's all.

ALAN GREENBERG: I think you're both saying the same thing. It's a question if whether it's phrased as a question or a statement. It should be clear to the applicants what's going to happen, and they obviously have to agree with what's going to happen or their EOI is not accepted. I think you're talking about wording differences, not the concept.

TIJANI BEN JEMAA: Okay, thank you. Any other comments? No. I'll go to the 360˚ evaluation. Alan doesn't like it, but right now, so far, we have his name and we'll use it so that people understand. Roberto said that an important piece of information is the 360˚ evaluation of the incumbent candidate. He says he's afraid that the next time we'll have the same problem and not have it on time. He said if we don't have it on time, we'll use the previous year's 360˚ evaluation.

For your information, Olivier can tell you that Steve Crocker asked the SO Chairs and Olivier about the date to receive the 360˚ evaluation, which means they'll make it available according to the SO and ALAC Chair replies. I think that he is right, but I don't think that we have to use the previous year's one. Alan?

ALAN GREENBERG: You're at the mercy of the Board for what timing they decide, no matter what you ask for. With reference to the previous one, what the Board is currently doing is they are only evaluating the candidates that are up for re-selection. There is no previous year, under what they're doing today.

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What a Board may do in two years we don't know. To a large extent you're at the mercy of what the Board both does – because they may not be doing the review every year for each of the Board Members; at one point they tried that and decided it was too much work.

Also, of course, you can ask them what date you want it and tell the way in advance, but you have no control of whether they do it or not. You can say what you want, but you are their mercy ultimately.

TIJANI BEN JEMAA: Thank you. Any other comments? No. Here I have a very good point from Roberto. It's about referees. He said that we have to [know 01:13:04] referees to provide a reference for only one candidate, and to avoid that the referees play other roles in the process; like for example participating in the 360˚ evaluation. I think it's a very fair and valid point. What do you think?

ALAN GREENBERG: I think you'll find at this point that Board Members are probably not going to participate as references in the future for Board Member positions. That's not a rule, but it's currently the practice and I don't think any Board Members would violate that, so it may be rather moot at this point. Again, it's not unreasonable to say the BCEC feels that there should not be a single reference who vouches for multiple candidates. That's a reasonable recommendation you can put in the Rules.

TIJANI BEN JEMAA: I think so. I do think so. Any other comments about this? Otherwise I'll go to the other point, which is technology. Dev. Roberto gave a list of technical problems faced during the 2014 selection process, for his Committee.   Several things didn't work.   I think these should be addresses as soon as possible, and testing prior to the next selection of [2017 01:14:35]. What do you think about that? I think it's normal.

ALAN GREENBERG: How can you argue saying we should test things ahead of time and make sure they're going to work?

CHERYL LANGDON-ORR: [unclear 01:14:5] [hell yes] actually, but anyway…

TIJANI BEN JEMAA: Yes. Alan, why do we not? It is real. You can make a test. Why not? What's the problem?

ALAN GREENBERG: People may not do it but you can certainly say they should.

TIJANI BEN JEMAA: I think so. Roberto was very annoyed about that and he has a problem with that. I think it's better to…

ALAN GREENBERG: If it were me, I would be very annoyed too.

TIJANI BEN JEMAA: Yes. Those are all the points raised. Thank you very much. Is there any comment about anything now that we've already walked through?

ALAN GREENBERG: My only comment is if you choose to have another meeting, please make sure I get an advanced invitation.

TIJANI BEN JEMAA: Okay. It was my mistake. I wanted to do it from the end of the last call, but I forgot about it and this morning I remembered.

ALAN GREENBERG: Okay, you are forgiven, but I will run right now. If there are any more questions I'd be glad to handle them with email or Skype.

TIJANI BEN JEMAA: Fatimata has a question. Fatimata?

FATIMATA SEYE SYLLA: Thank you. This is just to agree with Dev about infographics. I think it would be very important to have this for the voting system. Thank you very much.

TIJANI BEN JEMAA: Thank you Fatimata. Any other remarks? We are 21 minutes over the time so if there are no more comments, thank you very much everyone. This call is adjourned.

ALAN GREENBERG: Thank you for putting the time into it Tijani.

CHERYL LANGDON-ORR: Thanks a lot. Can I just check – Alan and I will not be required in future calls, correct?

TIJANI BEN JEMAA: I don't think there will be a future call.

CHERYL LANGDON-ORR: Good. Like Alan, both this call and the last, I've just answered my phone at midnight and got onto the call. I wasn't planning on being on either of the calls, but that's fine. We're done now. That's great.

TIJANI BEN JEMAA: Thank you very much. Thank you Cheryl for your time – your late time – and thank you Alan for coming, even though it was under very short notice. This call is adjourned.

[END OF TRANSCRIPTION]