

5A) Community Mechanism as a Sole Member Model

5A.2 Influence in the Community Mechanism

The CCWG-Accountability considered the decision weights of the various parts of the community. The following table sets out the community voting mechanism most supported approach within the CCWG-Accountability.

COMMUNITY SEGMENT	COMMUNITY MECHANISM “VOTES”
ASO	5
ccNSO	5
GNSO	5
At-Large	5

Each participating SO/AC would have 5 fractional votes. Although each SO/AC has a specific number of votes, those votes may be subdivided, within limits, however the SO/AC decided and, in particular, fractional votes are allowed. This allows voting capability to be allocated within the SO/AC. Such allotment would be done through a formal decision of the SO/AC. The SO/AC or the appropriate sub-group shall designate the individuals exercising the community rights.

The community mechanism gives the bulk of influence on an equal basis between the three SOs for which ICANN deals with policy development and the At-Large Advisory Committee (which was structurally designed to represent Internet users within ICANN). If another AC chooses to join at a later stage, they would receive an equal amount of votes.

The logic for 5 “votes” in the community mechanism for the higher number is to allow for greater diversity of views, including the ability to represent all the ICANN regions in each participating group.

In addition, the likelihood of capture and the consequences of capture for the sole membership model would be lowered because there needs to be a collaborative approach by the groups in the single membership associated with voting thresholds for those powers to be exercised.

The process of exercising votes, and the facilitator of the discussion of exercising the community power will be overseen by an ICANN Community Assembly (ICA). Each SO/AC appoints one or more members to the ICA, each with a mandate to exercise some or all of the SO/AC votes. The maximum number of ICA members per SO/AC is eight.

- a. It is not expected that the ICA will meet unless there is an issue raised by SO/ACs that requires consideration of whether to exercise a community power.

- b. The ICA will be self-organized and appoints its own Chair who shall have the authority to conduct meetings.
- c. The ICA would be the forum to garner support from other SO/ACs and from the further community
- d. Any votes taken to exercise community powers would need to be fully transparent and public, and the vote exercised by a representative of part of the community would need to be traceable to a decision of those who are being represented.
- e. Any SO/AC that decides to not participate in exercising community powers in general or in a particular case will be deemed to have abstained on all votes allocated to that SO/AC.
- f. Abstentions shall not count as NO votes but reduce the overall number of ballots to be considered.
- g. For each power, there will be a critical number of YES votes which will be required to exercise the power.
- h. SO/ACs that chose to opt out of voting in general or on a particular issue are nevertheless welcome to participate in ICA discussions and/or provide any advice that they deem appropriate.
- i. Should an issue arise between ICANN meetings, it is possible that a face-to-face meeting might be required. Although the likelihood of this happening is small, ICANN should annually budget for one such meeting.

Unresolved Issue

This issue was brought up by several people at the Buenos Aires CCWG meeting. This issue is whether the special treatment accorded GAC advice (Article XI, Section 2.1j-k - <https://www.icann.org/resources/pages/governance/bylaws-en/#XI-2.1j>, after factoring in ATRT2 Recommendation 9.1 the Board must discuss its refusal to follow advice with the GAC and attempt to find common ground) should be allowed to co-exist with the GAC participating in the Community Council.¹ Alternatively, if not, the Bylaw provision would have to be deleted if the GAC were allowed to participate in the community powers. The sub-group was divided on this issue.

One suggestion was that if the GAC participates in the Community Council, it should not then be able to give formal advice to the Board contrary to a decision of the Community

¹ ATRT Recommendation 9.1: ICANN Bylaws Article XI should be amended to include the following language to mandate Board Response to Advisory Committee Formal Advice: *The ICANN Board will respond in a timely manner to formal advice from all Advisory Committees, explaining what action it took and the rationale for doing so.*

Council. It was pointed out that such GAC advice could have pre-dated the Community Council decision.