

**ICANN**

**Moderator: Maryam Bakoshi**  
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**7:39 am CT**

Maryam Bakoshi: Good morning, good afternoon, good evening. This is the NCSG ExCom call on Wednesday the 24th of August 2016.

On the call today we have Tapani Tarvainen, Joan Kerr, Monika Zalnieriute, Poncelet Ileleji, Robin Gross. And from staff we have myself, Maryam Bakoshi.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much. Over to you, Tapani.

Tapani Tarvainen: Thank you. Robin asked for an agenda. I posted the agenda this morning; I'm sorry you haven't seen it, but basically it's one item dealing with election and the appeal against the - regarding the election, and any other business if we have time.

So let's move to that without further delay. There are a few process points I need to make here. I trust you all have read the appeal. It was - explicitly accuses me so I'm arguably party to the issue so I'm questioning should I

recuse myself from this process. If somebody has strong opinions on that, please say so. I note that it would be somewhat difficult (unintelligible) if you feel that will be appropriate, but I'll also note that Robin and Monika explicitly are part of this, having signed the appeal and are actually appellants in this case. It would be rather difficult to process if all three of us recuse ourselves for the entire process.

What I - so, absent any other problems, I suggest we do not do that but instead consider - so okay. Okay we have two - one option is that I, and Robin, and Monika recuse ourselves in the case of - we wouldn't put explicitly motion being made for decision-making purposes. If you make a motion against my behavior, then I will recuse myself from taking a stand on that. Or would you prefer, Robin, that I should recuse myself from being present in this meeting? And how about yourself and Monika?

I see Robin is typing. Okay so I would read Robin's comments so that accuser would be considered for any motion being made and decision-making status she thinks is necessary. Another point, would you prefer that I had the chairing of this meeting over? In that case, I would ask Joan to do that since she's not a party in either case. Okay, Robin, you want to speak, go ahead.

Robin Gross: Hi, can you hear me okay?

Tapani Tarvainen: We can hear you. Go ahead.

Robin Gross: Okay, so yes you asked about who should chair this meeting. I think that, given the subject matter of the meeting is an appeal of the chair's decision to not halt the election and the handling of that decision and the election process, yes I think I would - I think it's just more appropriate that the person's who's

the subject matter of the appeal probably shouldn't be the one to handle it if we're looking at a process that's free from conflicts of interest.

Tapani Tarvainen: Okay thank you, Robin. I actually tend to agree with that, so would you object if I ask Joan to chair the meeting?

Joan Kerr: Okay. I'll chair the meeting if everyone is okay with that. Can you hear me okay?

Tapani Tarvainen: We can hear you okay. Go ahead, Joan.

Joan Kerr: Okay great. So...

Poncelet Ileleji: And Poncelet speaking for the record. So with what you have said, what do you want (unintelligible) since it's a conflict of interest? What - yes I can hear you okay. I was - it was Poncelet speaking. Okay I will keep...

Joan Kerr: Can you hear okay, Poncelet? We may have lost him. Okay. When we get him back, he can speak. And, Poncelet, if you can hear us, if you could raise your hand so that we can go to you when you would like to speak. Okay great, thanks. I was just going to ask Tapani.

All right, so on the agenda is the election appeal.

Poncelet Ileleji: Someone speaking so I kept quiet.

Joan Kerr: Sorry, Poncelet, please go ahead. If you can take - you're on mute at the moment. Okay. Hm. (Unintelligible) phone out.

Poncelet Ileleji: Yes, Joan.

Joan Kerr: Poncelet, we can't hear you.

Poncelet Ileleji: (Unintelligible)

Joan Kerr: Why we solve that, Tapani, you have your - Poncelet, I think Maryam is going to dial out if you need that. We're just going to move on to Tapani while we wait for you, okay? Go ahead, Tapani.

Tapani Tarvainen: Thank you, Joan. I just want to make one introductory point here or actually make an apology for that quick e-mail exchange on Monday. While an e-mail in principle is just fine, that's sort of not the way it should be done.

Poncelet Ileleji: Poncelet speaking. I just wanted to say...

Joan Kerr: Just one sec, Poncelet. One second, please. Tapani is speaking, and we'll go to you next. Go ahead, Tapani.

Tapani Tarvainen: Yes we can hear you, Poncelet.

Poncelet Ileleji: Hello? Can I be heard?

Joan Kerr: Yes you can.

Maryam Bakoshi: Poncelet, sorry. Poncelet if you can hear me, can you - Poncelet, can you hear me? If you can hear me, can you provide me a number that I can dial out to you? Poncelet...

Poncelet Ileleji: Hello? Can I be heard?

Joan Kerr: We can hear you but you maybe perhaps can't hear us. Go ahead, Tapani.

Tapani Tarvainen: Shall we wait for Poncelet? Okay I'll carry on. I was just saying that the e-mail discussion on Monday and especially apologies to Monika for rushing through that. It was really not any way to run a meeting and I - as I said, apologies for even claiming it to be a meeting and also apologies for not asking for protocol (unintelligible) or at least asking for clarification as that's necessary. But be that as it may, we did not have a proper meeting (unintelligible).

Joan Kerr: Okay great thank you for saying that. I think that's (unintelligible).

Poncelet Ileleji: So I think is I don't know.

Tapani Tarvainen: I would like to continue if I may.

Joan Kerr: Yes, please go ahead.

Tapani Tarvainen: Pointing that out, that actually makes a bit minor complication at least for this appeal because we did not actually make any decision to have an appeal against, so I'm not sure how that 2.4.2.1 in charter applies here, as they are not really appealing against any decision made but they are requesting us to make a decision.

So it's not entirely clear exactly what position they want because there have been some conflicting interpretations on that on the discussion list from different appellants. But I do not - well let's say that we do not need to decide this of course (unintelligible) for the moment for - regardless of the format, so the appeal of the EC should definitely take a request for a decision from the membership seriously as well. So with that, let's go back to the subject matter.

Joan Kerr: Great thank you, Tapani. Are we good with Poncelet now or we'll wait for that? Monika, should I share here - please go ahead. Monika? Okay, Robin, go ahead. Robin?

Robin Gross: Can you hear me okay?

Joan Kerr: Yes we can hear you.

Robin Gross: Okay great. Yes, no I just wanted to since - I just wanted to answer Tapani's question since he wasn't sure about what decision was being appealed in the appeal. I thought I would let him know

So yesterday on the -- well yesterday for me I should say -- on the executive committee list when we were discussing this issue, Tapani said he considered the discussion closed and then he went on to the NCUC discussion list and said there doesn't seem to be support for suspending the election, therefore it goes forward. So it is that the decision that is being appealed, so just so Tapani is clear. And whether or not, you know, he was within his authority to make those declarations is one of the issues that is under appeal. So just so there is some clarity as to what decision is being appealed here.

Joan Kerr: Okay great, thank you. So Tapani, your hand's up. You wanted to respond?

Tapani Tarvainen: Yes, just that - what I wrote on the list does not actually constitute an executive committee decision, but as I said, we do not need to write that at the moment because we do need to consider this request regardless.

Joan Kerr: Okay so let's go to - Monika is trying to upload a document so we'll wait for that. We have Tapani's hand up. Is that an old hand or did you still want to say

something? Okay great, thank you. Poncelet I don't know if we got him back. He was going to say something. Poncelet, can you hear us and did you want to continue with what you were saying? No answer, so we'll wait for him.

All right, so what - Tapani, okay. There's an appeal on the - okay. All right, so let's deal with the appeal itself. So the issue is that we have to deal with is whether or not the decisions for the - well we have to deal with the appeal itself before we deal with anything else. So. What do you want to put on the table, Robin, in terms of the appeal? Because as Tapani said, there's lots of other discussions going on, so let's deal with your side on it and then look at what other people are saying as well. Go ahead, Robin.

Robin Gross: Okay. Can you hear me okay?

Joan Kerr: We can, I can anyway.

Robin Gross: Okay. So I'm just looking, you know, I think we should just go strictly by the charter rules on how we handle this appeal. And since the appeal was sent, it was accepted and forwarded to this list for consideration. And a meeting was called to consider the appeal that was sent. I think it's a bit disingenuous now to - for Tapani to be saying there's no appeal. So anyways, that's his position that, you know, he can make that case.

But anyways, so let's - now that a meeting has been called to deal with appeal, pursuant to the charter, we look at the charter rules. And we know it's section 2.4.2.1, appeals of the EC decisions. So there is a petition of more than 15 members that has appealed the decision to not halt the election and fix the ballots, to - basically to reinstate our members' election rights, their right to actually vote for or against a candidate. That's the appeal that's on the table.

And so this is the meeting to consider that appeal. And either we reverse that decision today or we go into negotiation for 30 days to try to come up with a mutually agreeable solution, during which time the election will have to be suspended while we work out the subject matter of what is on the ballot, what is that people are voting for, what does it mean when you vote for none of the above, we get that sorted out and then the election can go back.

That's the issue that's on the table. That's the only issue that's on the table. This appeal is before us now. So the question is do we want to reverse this decision, Tapani's decision, on behalf of the executive committee, which he would be out of bounds by making, that said we're going to refuse to halt the election temporarily in order to fix the confusion and the disenfranchisement that's going on with our membership.

So I haven't heard any arguments yet for why we should accept Tapani's new interpretation of none of the above, but if he has some I'd like to hear it. And it's going, you know, it's going to have to be more than a procedural one, although we can talk about that too. He's going to actually have to win on the merits of the case.

So I think the question is duly before the floor now as to whether or not are we going to reverse that decision to refuse to fix the ballots and halt the election. And obviously I am someone who thinks we must. We have no choice. We have an obligation and a duty to make sure that people's votes actually do count, that the votes they cast this year will have the same meaning as the votes that they cast last year when they voted for none of the above, which means they count, they don't invalidate somebody's votes has been claimed.



So that's the issue on the table: Do we reverse that decision? Obviously I think we should, but anyone who thinks that Tapani's interpretation of none of the above should be the way forward can make their case, but I think they'll have a very difficult time reaching any consensus on this call. And we will have to halt the election and go into negotiation to sort this out and take it to the members for a vote if we have to. Thank you.

Joan Kerr: Great. Thank you, Robin. I see that - I can't see any hands up because of our technology. But I just wanted to say something as someone who has not been involved too intimately. I looked at the different years of voting and this is my, you know, as everyone knows I have my own opinion and my own mind, and I did not see where there were clear instructions around the none of the above issue. And so my question is to everyone, as you said to come to consensus and we are responsible for having candidates for the GNSO Council, that's our responsibility.

How we do that should be fair and it should be transparent obviously and that's why we're talking about it. So my question is, and that's what's on the table, are there clear rules that were violated? And that's the question I keep asking myself. Was a rule violated? And I can't see where it was. That's my, after reading one, the charter -- and I haven't read all of the charter, just, you know, snippets of it and many, many, many emails going through the due process and discussions -- which I think are all valid.

It's wonderful to have the discussions, but not everyone was in agreement that it was clear. There were suggestions as well on how we deal with it. But for myself, I could not see a violation in terms of what was done, because it wasn't clearly stated in the charter. So that's - I just want to say that. Did you want to respond, Tapani, do Robin?

Tapani Tarvainen: Yes.

Joan Kerr: Please go ahead.

Tapani Tarvainen: I - for now I do not accept the notion that we're actually reversing a decision because a formal decision was not made, but agree that we should decide whether we want to make a decision on that issue. As to whether any rules have been violated, I don't think so but I'm open to anybody pointing out exactly where that went wrong.

There are some for the process have been point - how the election was handled. It has been exactly identical to the one run last year. The chair proposed a plan and schedule. It was accepted by the executive committee to execute that. The ballot was not preapproved by the executive committee but that wasn't done last year either, and as far as I know, it hasn't been done previously either.

So while the process could have been better and if we do write explicit rules for the future, that should be taken into (unintelligible) but I don't see it as a theory. Also I don't see that it's a violation of any explicit rule or precedent from past practice either. But...

Joan Kerr: So the other question is - that was in the charter as well is the election is the responsibility of the executive committee. And that was also in the charter because, like I said, I've been reading it and trying to understand it. And so was that violated? And that's the question. So - but are you also in your right to, as chair, to make the decisions that you make. So, you know, there is - but I believe that the charter also says while it doesn't clearly define the none of the above issue, it clearly says that the EC has to be in full consensus. And so

I don't - I'm not sure that was done. So that would be, you know, I'm just trying to point out the issues that are on the table.

And if that - if the consensus issue - so the question first of all were you in your right to call the election and design the - send out the ballots? Yes I see that, Robin. Actually I can't see when - I'm not quite sure what happened to the technology so please, thank you for telling me that your hand is up, Robin, because there is no - so please, yes, sorry. Please do type it in the chat. So Robin, your first and then Tapani. I cannot see the hands up, so please be patient. Go ahead, Robin.

Robin Gross: Okay no worries. Yes I wanted to actually - I actually had some questions for Tapani about the election because - and the statements that he's made about it being the same as last year.

So last year when I voted, I voted for two candidates and I voted for none of the above, and my vote counted. Now this year Tapani is saying if you vote for two candidates and none of the above, your vote doesn't count. So I'm wondering who made that decision to change that rule? How was that rule changed? How is this exactly like last year if that is in fact as - what Tapani is proposing?

So I'm just curious about who made the decision to invalidate somebody's votes and how did that get translated into the election ballots, and how is it the same as last year when my vote counted last year when I voted that way? So I'd be curious to hear some answers on that. Thanks.

Joan Kerr: Tapani, please go ahead.

Tapani Tarvainen: Okay, what I meant by that I did say that the process leading to the election was similar. As for the ballot, it was similar to what I thought last year that the ballot meant, but I read that none of the above literally. When you have a list of three and none of the above, to me it means that you don't approve any of the above. So that was actually just how I had understood it to be (unintelligible) change.

Joan Kerr: As I mentioned, please if you do want to speak, to type it in the chat because I cannot see hands raised. So let's see here. (Unintelligible) Robin, did you want to respond or did you have another question?

Robin Gross: Yes, no I just wanted to point out that there's a very critical difference between last year's vote and last year's ballot and this year's ballot as described by Tapani to the list. Last year's counted and this year's doesn't count. So I'm sorry, but the idea that this is the same ballot as last year is just not going to fly.

Joan Kerr: Okay. So...

Robin Gross: But I'm curious actually. Tapani didn't really answer my question. Did he inform (Glen), the person who handles the elections, to not count people's votes? Did he say invalidate people's votes? Was there a decision taken somewhere to do that? Because I'm not aware of any.

Joan Kerr: Did you want to respond, Tapani? Go ahead.

Tapani Tarvainen: Yes. The voting software will not invalidate such votes, I understand. So but I just sent the ballot as it has been forwarded to (Glen) and she will read it. But as I understand the system works, it will be - it has to be decided at the processing stage of the ballot then validating the votes (unintelligible).

Changing the interpretation at that point would not require changing the ballot, that was the question. Did that answer your question?

Robin Gross: I didn't hear that last thing you said, sorry.

Tapani Tarvainen: So technically such - either interpretation is possible without changing the ballot. So it's at the point when the votes are counted that the rules for that would be decided or implemented in effect. But if you want to change the ballot or interpret the ballot so that they're (unintelligible) will not invalidate them, it can be done without changing the votes or changing the ballot technically.

Robin Gross: So have you sent any instructions to (Glen) about how to handle these votes or is it all the same as last year? So if last year when I voted for two candidates and NOTA, I didn't get any message or anything that said your vote has been invalidated; it counted. And I went back and I checked it and it counted. So is there any reason to believe the system would be any different this year in how it handles the votes? And did you send any instructions to (Glen) or anyone who's handling the ballots about how to count or not count the votes?

Tapani Tarvainen: I sent the ballot as it is and I must check with her if she interpreted it in some special way, but my understanding is that the software can do either without sending invalids. But I will verify with (Glen).

Robin Gross: Yes, no I think we'll all need to talk to (Glen) as part of this process about what happens when people vote a certain way, since now this has been claimed that votes are being invalidated. I think it's important that we talk to the person who actually handles the votes about what instructions have been they given and what is counting and what isn't counting and - because, you know, it sounds to me like if it is in fact the same as last year, if nobody's sent

any - made any decisions otherwise, then the rule is that these votes are not invalidated, and this is Tapani's new interpretation, announcement. So I think we need to get to the bottom of this.

Tapani Tarvainen: Well the technical issue is pending but the real issue is deciding what we want to happen. We can then ask with (Glen) if we need to send new ballots for that purpose or not once we decide what is the result outcome we want.

Joan Kerr: I just want to say something. If we could ask that only members of the EC participate in the discussion and the silent observers are observers. Thank you. So first of all, are there any other questions...

Poncelet Ileleji: Excuse me, Poncelet speaking for the record.

Joan Kerr: Go ahead, Poncelet. I can't see a hand raised so if you want to, you know.

Poncelet Ileleji: Yes I just want...

Joan Kerr: Go ahead.

Poncelet Ileleji: I just wanted to say we need clarity, because if it was what happened last year exactly during the elections, then no ballots were invalidated. But it seems we don't have clarity on that. And I think once we get clarity, perhaps then this - when we have clarity on that, then we shouldn't be having this meeting, but we don't seem to have clarity on that. So how are we going to get clarity on that? Because if we don't get clarity, there's no way a consensus is going to come today. So can clarity be made on that?

Because that is the main issue, because from my understanding it's assuming that that's how it happened this time around, but from I've been listening to

and what I've been seeing online doesn't seem to be the case. So it would be good for us to get this thing cleared up, because if what happened last year was that everyone's votes were counted as it should be, then we'll move ahead. And I don't think there will have been an appeal if that was what happened.

Joan Kerr: So it seems like that's the first thing that we have to clarify. So that's job one, I guess. So let's explore that. Are there any other questions before we explore what the actions could be so that we can arrive at a decision as quickly as possible after getting clarity? Any other questions? Like I said, I can't see any hands or anything like that? So I'll just go around and ask anyone else has something to say before we move on to the next what do we do? Seeing none.

Okay so I agree, we need to clarify with (Glen). And who will do that? Is everybody in agreement that that's the first thing that we need to do? Yes? Yes, we need to talk to (Glen). Absolutely. Thank you. So that's the first thing. So now the what do we do with the information, do we wait? I've never interacted with (Glen) myself so I can work with - can I work with Robin and Tapani? Or Tapani, do you send it out to her? How would that work?

Tapani Tarvainen: I would ask that Maryam checks with (Glen) and relays the message back, the situation back to us. I would also suggest that we do not wait for that reply because that's still a technicality and we have to decide what we want to happen before and consider how to do that technically.

Joan Kerr: So the entire committee speaks to (Glen) or copies - send to the committee, is that what you're suggesting, Robin? Do you mean an actual conference call or via e-mail? Okay.

So we're all in agreement that - Poncelet, thank you Poncelet for suggesting that. I think that e-mail is good enough, great. So an e-mail asking - ask

Maryam to send an e-mail to Glen copied to all the EC and wait for the response and then we can perhaps either organize another call or – depending on what the e-mail says – we can decide what the next action would be tomorrow or Friday. Does that sound like a good plan?

Tapani Tarvainen: Unfortunately my schedule tomorrow and on Friday is pretty tight. I can only do tomorrow morning early, and then I am tight from (unintelligible).

Joan Kerr: So why don't we try by e-mail just so that we get some initial conversations going and then we can decide from there? Okay?

Tapani Tarvainen: We can discuss some of the substance - some options we might have at this point with regards waiting for information from them if you like.

Joan Kerr: Okay so let's discuss other options then. I like the clarification, so we'll do that. We'll send that off. Let's go ahead. Tapani, you have some other options then - or anyone else?

Tapani Tarvainen: Okay I'm just trying - maybe just enumerating the different possibilities we have trying to look at what different things have been discussed with and what I can think of otherwise. Just bring a number of list of possibilities without at this point commenting on their viability. We can discuss that later. But certainly getting their possibility on the table.

One, the (uplist) now (hypothetically) so to speak is that we proceed with my interpretation as it is. Two, that we decide to allow for none of the above alongside with one or two counsellors and treating it as how it is proceeding from 2011 so that none of the vote would actually (not happen) but (another is) elected.



Three, likewise allow none of the above one or two counsellors but make none of the above significant, and if someone loses it, then they will not get elected. This would also require a decision on how to handle that situation, how to proceed for the record, but...

Four has also been proposed on the list that we provide a separate “none of the above” option for each candidate. And again let’s split this in two. We cannot again either create none of the above as just an expression, a symbolic expression not having significance or...

(Unintelligible) number five again indicating none of the above for each and that it will be a significant in that losing to none of the above would mean that - not getting elected.

So I got five options there. I’ve noticed anybody has anything to add, I would like to hear them when we can discuss whether leave this as is or what we’re going to do.

Joan Kerr: Okay so that’s Tapani. So we’ve got Robin’s hand up and I’m not sure if there’s anyone else. But I see Robin’s hand. Go ahead Robin.

Robin Gross: Hi, can you hear me okay?

Joan Kerr: I can.

Robin Gross: Okay. Yeah so I think that - ideally what we should do or should have done – and I think it is definitely what we should do for next year – is really make sure that these ballots are clear, that each candidate is running against none of the above and so do like we did, I think it was a 2012 election where it was

very clear that everyone was running against none of the above. It was next to everybody's name.

And that's what we should have done this year, and I think we should do that in the future. And we should probably suspend the election in order to send out the new ballots that do that. That would be the ideal situation.

However as I said on the e-mail list, I think we could work a compromise whereby we don't have to suspend the election that's going on right now.

We can just continue to go forward with it but make it very clear, make it clear to the membership and to the people who are voting on this that none of the above means those candidates who do not receive enough votes to beat none of the above do not in fact become elected as was stated in the last three chairs' statement as to how our understanding of how this interpreted is.

So the last two years' election when you voted for none of the above, that's what happened. People's votes counted. They still counted even if they voted for a candidate and also none of the above.

So actually the practice is much more assuredly on the side of counting people's votes when they do that and not a new interpretation that disqualifies their votes when they do that. So I think that in terms of a compromise position if we could just agree that people's votes will in fact count when they vote this way this year, we probably don't need to start the election over this time.

We will make sure this is super clear next year. Lessons learned. But we can probably reach a compromise whereby we don't have to halt this election.

And if we could just be clear that when you vote for two candidates and none of the above, that in fact your vote will count and will not be invalidated.

And you are entitled to vote for or against as a candidate. Votes are not merely symbolic. They will matter. They do send a message.

So if we can reach that compromise today I don't think we would need to go through the whole process of the negotiation, halting the vote, in order to work that out, bringing the issue to the membership for a vote.

We could clear this up today frankly by just coming to this simple interpretation whereby everybody's vote counts. And if you don't beat none of the above, you don't get elected. I think these are pretty simple, straightforward interpretations that our members can live with and we could all go home now if we can do this. Thanks.

Joan Kerr: Thank you Robin. I would like to add that I don't think it's as simple as that. You - we have to follow what the charter says, and the charter doesn't give us guidance on what happens when there is no - when there's a vote against a candidate and we only end up with two candidates.

I mean, from what I'm reading - and, you know, you can correct me if I'm wrong - what I'm reading that there is no clear procedural rules around the (NOTA) issue. And so, you know, what we're doing in that case is that it's opinions and of course, you know, having three chairs writing a letter, I think that's significant.

However, again we have to - the fallback to me is the charter. And I don't think it's as simple as you're saying because for example I don't remember last year having to vote against someone. I mean, I might be wrong.

But there are two – we as an EC have to consider everyone that has initiated conversation. Anyway... So anyone else have another option? Oh, a hand up. Tapani, go ahead please.

Poncelet Ileleji: Yes Poncelet speaking.

Joan Kerr: Okay go ahead Poncelet. We can hear you.

Poncelet Ileleji: I just wanted to say inasmuch as possible we want a consensus today, I doubt that will be possible because to me, it's how the voting pattern or (unintelligible) last year. If it followed last year if (unintelligible), then we are fine. Then to me that would be a straightforward consensus. Then all votes counted as non-invalidated.

But us trying to find out something when we are not sure because from Tapani's explanation is that okay to his understanding. To his understanding might not mean exactly what happens. So let us see what (unintelligible) like it happened as last year's. That's what a lot of Robin mentioning that all votes counted then we go ahead because we are going back to the charter.

Robin is making some second suggestions and we'll just stay here going round and round. So let us get that e-mail. Tapani sends that e-mail, copies everybody in the EC. So Glen, then we see what she says. That we meet again if we have to meet next week, we have to wait for us to - everybody to be around to meet next week then fine. Thank you.

Joan Kerr: Thank you Poncelet. Tapani you're next.

Tapani Tarvainen: Okay, thank you. That seems actually two clear different interpretations of what actually happened in the past. It's kind of disingenuous to say that it's a compromise (unintelligible) implications. It is saying that last year none of the above counted when there was actually - it did not matter if it counted or not.

Of course they will be counted but whether they would have mattered in case none of the above wins is definitely not clear from anything that has happened in the past because it has never taken place. And there are quite clearly two distinct possibilities of interpreting how it was in the past, apart from 2011 when it was made explicit. So I do not agree that this is anything quite that simple.

As for sending the letter to Glen, would it be possible to get her into this call to explain the situation? Should we try to do that, move things fast forward?

Joan Kerr: Thank you. Robin you have your hand up.

Robin Gross: Yes, thank you. Can you hear me okay?

Joan Kerr: We can hear you, yes, as far as I can definitely. Go ahead.

Robin Gross: Okay. So people are questioning how does the charter handle vacancies on the GNSO Council when there's a spot that that isn't filled.

So if you look at Section 3.2 of the charter on GNSO Council representative terms, it says, "In the event that a GNSO Council representative is unable to finish her or her term, the NCSGEC will appoint a temporary GNSO council representative to serve until the next regularly scheduled election as provided in Section 3.8 of the GOP.

At that time a new GNSO council representative will be elected to serve out the balance of the vacated term, if any.”

If you go down a little bit further in the charter to Section 3.3.1, it says, “The NCSG EC,” again, “Will be responsible for making any decisions requiring the appointments of any temporary alternates, whether due to absence or abstention as allowed.”

So I think it’s very – it’s pretty clear that the charter puts the job of how to fill vacant seats on the council over to the executive committee, so that will be pursuant to our charter. That will be an executive committee appointment until the next regularly scheduled election.

So I don’t think that’s really an issue. You know, we’ve got that. We’ve got that taken care of.

Joan Kerr: I was just asking in terms of curiosity, so thank you for that. But that’s not what we’re dealing with on this call, so...

Okay, Monika, did you want to say something (unintelligible)? Maryam, is there any way that Glen could join us for this call or...? Oh, she will be - Glen will be on the call in five minutes, which is wonderful. So we can ask those questions and maybe consider some of the options as well.

If we send her the questions or question that we have for her to clarify, maybe she could even type it in for us. Monika did you have your hand up before? Because like I said, I can’t see it on the screen. If somebody’s hand is up, I try to read your - no you didn’t. Okay, great.

Robin Gross: My hand is up, so you know.

Joan Kerr: Oh, great, thank you. Go ahead Robin then.

Robin Gross: Yes I wanted to take issue with something that Tapani said. He said there are two competing interpretations of this – of (NOTA). And I haven't heard him articulate the rationale on a merit basis, on a substantive reason for why.

How is it in our members' interest that none of the above shouldn't count, that it should only be a symbolic gesture if somebody wants to vote for two candidates and against the other by voting none of the above?

I'd really like to hear his argument for how that helps our members. He said this is an interpretation on the table. Well I haven't heard anyone but him say it, and I haven't heard any rationale provided for why this should be on the table on its merits.

Tapani Tarvainen: May I...?

Joan Kerr: Would you like to respond?

Tapani Tarvainen: Yes. I have actually not argued that in this call at all. That's an understanding I had in a number of - so apparently other people have had at least in the past. And so it seems just a literal meaning of the ballot and we should follow on without - when we have not explicitly decided otherwise. We should have cause to another decision but it should be done explicitly after the next election.

On the other hand, if you want to dig into this issue then I noted in general many elections it has been found having the ability make a negative vote will in effect (unintelligible) minorities because majorities can always vote their

candidates out. I'm not sure if that is actually relevant in this scenario like always but it's not a trivial issue in any case.

But that point now on the table is whether that interpretation needs such a radical change through the part, the established practice which the (history) there hasn't even been (unintelligible) till three years ago. And so no explicit talk about that since 2011. I'm not at all convinced that this is the established practice so that argument does not follow or does not convince me. So...

Robin Gross: I sort of want to take issue with the idea that this is an established practice, just so you know. I think it's pretty clear the last two elections when you voted none of the above and for another one of the candidates it counted. It was explicitly on the ballot in I guess it was 2012.

This is all pursuant to your wonderful research. So according to Tapani's research the way it's basically happened in the last couple years is what we're saying, what the chairs are saying.

You know, I know he's got some e-mail from Avri from a number of years ago, but it doesn't purport to say what the rule is. It says things like I think, I suggest, I guess. It says, "I guess," and Tapani's trying to claim this is the NCSG rule because in an e-mail somebody says, "I guess"? No.

Let's look at the way it's actually been done. And at least three out of the last four years, it's been exactly the way the ex-chairs are saying it's been done. And that's the way it needs to be done again this year.

Tapani Tarvainen: That's not exactly true. In 2013 there was no none of the above on the ballot.



Robin Gross: That's the one I'm talking about. That's the one that we're - there was a mistake. But other than that, it was exactly as we're saying. So, you know, I don't understand why you think a precedent of one e-mail from Avri that says, "I guess," is somehow higher/stronger precedent than the way it's been done three out of the last four years. And you're going to have to make that case.

And you're also going to have to make the case on the merit for how the interpretation should be your vote doesn't count. You're going to have to convince the members of that.

Tapani Tarvainen: Okay, I don't see that it has been done that way. You are (unintelligible) saying it has been done that way because it has not been explicitly stated what the meaning of none of the above will be, nor has it actually been necessary to test it. So you are only saying (unintelligible).

Robin Gross: It has been tested. A number of us voted this way last year, and our votes counted. So it has been tested. It has been done this way.

Tapani Tarvainen: Of course, none of that will be counted. That's not the issue. It was counted in that I was, as you say, guess in 2011, although I would say that since chair makes proposals and then nobody objects then it is - could be considered the way things are done.

But nonetheless, it's not - the case is not why none of the above would be counted. Of course they would be counted and shown just like in a regular - say (unintelligible) election it will count (unintelligible) ballot separately. So that's not the point.

But it has an important outcome, and again I note that in any national election I know the empty ballots are (counted) but do not affect the outcome. So that

is end why kind of natural interpretation of this (unintelligible) would be and that's where literal meaning of (unintelligible) none of the above when we have the least votes. So it is not compelling to say that it has been done that way when (unintelligible).

Robin Gross: Well you're going to have to convince the members that their votes shouldn't count. You're going to have to convince the members to accept your interpretation because right now we've got a petition on the table that is the opposite, that says their votes count.

And if that decision isn't reversed today, this goes on into negotiation, the vote to the membership. The election is halted (unintelligible).

Joan Kerr: If I could intercede here for a second, first of all, we're going to have clarification on whether or not it counts and hopefully in a few minutes. So that's the first thing.

And secondly I want to ask a broader question. Why do we have – and who came up with this - again, you know, (unintelligible) that we vote against someone in an election. I guess it's something I've never encountered. This is a broader question and has nothing to do with it. It's just for me, it's a bizarre concept of voting against someone as opposed to just voting for whom you would like to see get elected.

I just wondered the philosophy of voting against someone. Why is that even on the table?

Robin Gross: Oh that's pretty easy to answer. It happens in a lot of places around the world. And the reason is to express a certain degree of dissatisfaction with them. It

isn't enough to just (unintelligible), just not vote but to actually say I'm voting no. So it happens all the time all over the world. And...

Joan Kerr: (Unintelligible)

Robin Gross: ...I think the people who want to make the case that these votes shouldn't count are really going to have to start making the case to the membership. Their votes shouldn't be counted. I don't think that's a case you can win, but you're going to have to make it, just so you know.

Joan Kerr: I'm not arguing for one way or the other. I'm just asking in like, for example, what I'm asking is why do we have to have - why do we have the "none of the above" for each individual? Usually it's none of the above for "I don't like these people." So the fact is that it seems to me that - I'm just saying broadly, right?

I'm asking - it's almost like a discouraging people to be part of something rather than encouraging them to be part of it, just from an inclusion point of view.

Robin Gross: Well it's part of the democratic process that if you are going to ask to represent someone, if you say, "Yeah, I want to put myself out there, and I want to represent your interest," the idea that somebody shouldn't be allowed to cast a no vote on that and is only allowed to cast a yes vote seems extremely undemocratic - extremely undemocratic.

And I think actually the case, the burden is on the other foot here. How does it help anyone? How does it help democracy to not let people express their feelings on a ballot, to restrict their choices in such a way that you can only

vote nice or not at all? That's not democracy. It's a symbolic gesture, but it's not democracy.

Joan Kerr: Well I - you know, maybe what we need to do - I see your hand up, Tapani. I'm always looking for a solution in the future as well. Maybe what we need to do is have a - we do this in politics all the time - you do a search for candidates and you vet them beforehand. So maybe something really to this. But go ahead Tapani.

Tapani Tarvainen: Just something - well this actually becomes significant of being able to vote no is when you have different opinions among the voter population who want to have different candidates there and minorities get trampled (unintelligible). But that's - it's kind of (unintelligible) because you don't have enough opportunity for just for that reason.

But in any case here, okay we have Glen on the bridge. Let's - I would like to hear her point, if I understand it correctly that the system will not - will not invalidate votes if they are voting for none of the above for some candidates. This will take...

Joan Kerr: Welcome Glen. Please go ahead.

Glen de Saint Gery: Hello everyone. Thank you very much. I heard a little bit of your conversation before. I think it was Robin speaking. Just to say that the way the vote is set up and the way I was asked to set it up, it was not - I had nothing to do with setting up the ballot as such. I think we followed instructions.

The way it is set up is that you can vote for one person and then not vote for any of the others. That's perfectly all right. So in the end, what it would mean

is where there are one, two, three candidates, and in the first case for the chair you have got elect one person or none of the above or whatever it is.

So you would then tally up the votes. Say 60 voted for and 20 voted against. In the case where there are three, if you vote for number one and number three, and none of the others, that's fine.

Your vote still counts because in the end tally, the number one person will get that vote that you cast and the number three person will get that vote that you cast. And there will be no votes for the number two person.

So in the end you will also - you could have for example that number one gets 100 votes, number two gets 50 votes and number three might only get 25 votes. And it's not for me to say whether your system will allow that type of distribution. I don't know whether you need a simple majority for every person or, you know, what your rules are there. But certainly if you do not vote for all three your ballot won't get thrown out.

Robin Gross: Glen can I ask a question?

Glen de Saint Gery: (Unintelligible) any questions? Yes, please go ahead.

Robin Gross: I think that does. So just so I'm clear, so last year for example...

Glen de Saint Gery: That's Robin?

Robin Gross: Yes, this is Robin. Last year for example when I voted...

Glen de Saint Gery: Hi.

Robin Gross: Hi. When I voted for two candidates for council and none of the above was my third choice, my vote registered as such. It counted. It didn't invalidate. It was - okay. So has there been any change to that in this year's election?

Glen de Saint Gery: No.

Robin Gross: Will there be a different result than what we had in last year's election?

Glen de Saint Gery: No.

Robin Gross: And the vote itself, the ballot doesn't get invalidated simply by...

Glen de Saint Gery: No, no.

Robin Gross: ...somebody choosing two candidates plus none of the above. Okay, okay. This is very helpful because this is what we had been saying - some of us had been saying. And Tapani was saying that the ballots were being invalidated when people voted that way.

And that's why there was great cause for concern here, that people's votes were being invalidated.

Glen de Saint Gery: Robin there's only one place, there's only one case, and since you are the executive committee there, may I ask you all to perhaps think about this? When somebody fills in a ballot with all the crosses, that is for the chair you have got two crosses, one to fill in either the name or none of the above. So you needn't vote for him.

The other three and then at the bottom you've got none of these. Now somebody filled in crosses for all of them. What should happen to a ballot like that? They count it?

Robin Gross: Are you asking me what I think? Because I think - if you're just asking what I think, I think they should get a message back saying, you know, this is an improper way to fill out the ballot. You know, you only can vote for either yes the chair or none of the above and you only have up to three choices below, and, you know, (no) is one of them.

Glen de Saint Gery: Okay, okay. I'm very grateful for that answer. Thank you.

Robin Gross: That would be my suggestion, yeah. So no, it's actually really helpful to hear that there hasn't been any change in how...

Glen de Saint Gery: No, no, no, no, no, no.

Robin Gross: ...votes are counted this year.

Glen de Saint Gery: No, no, no.

Robin Gross: Okay, that's great. Thank you.

Glen de Saint Gery: Not as far as I'm concerned.

Robin Gross: Right, right, right.

Glen de Saint Gery: You'll get all the ballots. If you - I'm very pleased you've answered my question because if I get a case like this, then I could go to the person and ask them to complete the ballot because I can assure you that I'm the only person

that sees it, and perhaps from your experience, Robin, you trust me that it will not ever get out. Yeah.

Robin Gross: Although I wonder if there's a way to just build it into the system such that the vote isn't accepted until it is filled out properly. I don't know. That's more of a technical question (unintelligible).

Glen de Saint Gery: Oh yes, yes, yes, there is, there is, there is, there is, there is. But then it's a much, much longer complicated ballot. Normally one does that if for example there are three seats and there are four candidates. Then you build in the system whereby they can only answer three. But there is a system we can build that in.

Robin Gross: Right.

Glen de Saint Gery: And it has not been done for this (unintelligible).

Joan Kerr: Glen it's - sorry Robin are you done?

Robin Gross: Yes.

Poncelet Ileleji: Hello Glen. Poncelet speaking.

Joan Kerr: Go ahead Poncelet.

Glen de Saint Gery: Hello Poncelet.

Poncelet Ileleji: Yes, how are you? Please, I'm just - Monika has asked me a question because she's not talking so (unintelligible). She said, "Can you clarify if (unintelligible) them not if it's not ticked?"



Glen de Saint Gery: Oh, if it's not ticked??

Poncelet Ileleji: None of the above is not ticked. (Unintelligible)

Glen de Saint Gery: You mean if one case is not – if one block is not ticked or whether you get a ballot where nothing is ticked.

Poncelet Ileleji: No, if none of the above, none is ticked, if it is not ticked.

Glen de Saint Gery: Oh if it's not ticked, no.

Poncelet Ileleji: I think that's what she meant.

Glen de Saint Gery: No, it will not be invalidated.

Poncelet Ileleji: Yeah, if you select, like you select two candidates and you do not think last one (unintelligible).

Robin Gross: Right.

Glen de Saint Gery: Yes, no that's fine. Then under those two candidates will be counted in the count.

Poncelet Ileleji: Thank you very much.

Glen de Saint Gery: Did that answer your question? Sorry, I'm not on Adobe Connect. I've got a very bad Internet connection. So I've not been able to get on. So I can't see the questions. I'm very grateful that you read them. Thank you.

Joan Kerr: Great, thank you. Are there any other questions for Glen before she goes? Hi Glen, it's Joan.

Glen de Saint Gery: Hi Joan.

Joan Kerr: Yes I'm sorry – Joan – but there's a question in the Adobe chat from Monika. And she said she is not asking - sorry, she's not asking about validity. She's asking if it's counted - so she's asking so what happens if only two - if one selects two candidates and does not take neither at all. So how is that counted?

Glen de Saint Gery: That's counted as a vote. Those two candidates that have been picked will be counted.

Joan Kerr: Okay, thank you Glen.

Glen de Saint Gery: Thank you. Tapani has a question for you Glen. Thank you.

Tapani Tarvainen: Just a quick question. It seems that we are doing nothing to agreement of what happens when somebody takes the (unintelligible). Whether (unintelligible) is simply being validated or whether you should send questions to check that.

I see that at least (Monica) is agreeing or arguing that they should be - that people should be allowed to invalidate their ballots if they want to.

But otherwise if my understanding is correct, just to clarify that, people vote for one or two candidates and none of the above, you can simply get the count of how many of those win. And so that technically it's simply up to us to interpret the results of how many - how the - none of the above metrics.

We get the count of the, none of the above votes, and from that it's not technical as much as a political issue and how we interpret what it means.

Glen de Saint Gery: Yes, you will get the account of for example, how many voted, none of the above. And that is - I mean that's not something that I can interpret.

Tapani Tarvainen: Yes, so we get a number of votes for each of the three candidates and a number of votes for, none of the above?

Glen de Saint Gery: Yes.

Tapani Tarvainen: So, four different counts.

Glen de Saint Gery: Yes, I will ask if you bear with me please, I will go to the - I will explain to you exactly what you will see.

You will see for example - I'll take the voting ballot Chair. Select one of the following. Tapani, none of the above. You will see how many voted for Tapani and you will see how many ticked the box for, none of the above.

For the consulate, select at the most, three of the following candidates. You may also choose, none of the above instead.

So you will then see how many have voted for Rafik. You will see how many have voted for (Abe), and you will see how many have voted for Stephanie. And you will see how many have ticked the box of, none of the above.

Does that perhaps - is that perhaps clearer?

Tapani Tarvainen: Clear enough I think.

Glen de Saint Gery: And then we go with the response that Robin gave me about the case which somebody - if somebody would tick the box with all - tick all the boxes, that we ask that person to redo their vote.

Tapani Tarvainen: So that's an open question I think. We will ask them to redo their vote or invalidate such votes?

Poncelet Ileleji: For me, I think they will redo their votes. Poncelet speaking. We shouldn't revalidate any votes. They redo their votes.

Tapani Tarvainen: (Unintelligible) have the right to invalidate ballots if they want to. So, are we taking that right away? Lots of people do that in reality elections. (Unintelligible) on the ballots or whatever.

Joan Kerr: Yes, voted. (Unintelligible) with us or...

Glen de Saint Gery: It's up to you. In the final analysis you will see how the ballots, as they come off the voting system, you won't see the names. And you will just simply see if they are ballots which all have been ticked. Or when none have been ticked and then it's up to you to decide.

Joan Kerr: Any other questions for Glen? Anyone?

Tapani Tarvainen: If I may, just pointing out that we have not agreed on this issue yet. So Glen, please wait for instructions on how to go on those.

Glen de Saint Gery: Of course. Of course I will. And if you'd like me to stay on the phone, that's fine. But I do wait for your instructions because it's absolutely nothing that I will do without instructions from you. That you can be 100% sure of.

Joan Kerr: Okay, so thank you Glen. We have a lot of chat and I'm trying to read the chats as much as possible.

So Robin, did - I'm asking you specifically, did you get your answer that you wanted in terms of the ballots being valid?

Robin Gross: Yes, I have. It sounds like it is the same as last year whereby you are in fact allowed to vote for two candidates and, none of the above, and all three of your votes do count. And your ballot is not invalidated.

And that is great because that's what others of us have been saying for some time now. And I think that's what we need to do this year as well is to allow those votes to count and allow people to vote for or against every candidate that is before them.

And the simple interpretation of, if you don't get as many votes as NOTA, then you're not elected.

That's a very simple interpretation that will reinstate our member's voting rights. And we could be done with this right now if we could just come to that decision, to let people's votes actually count as they wish for them to count. And not force them to do all up or all down, as Tapani has suggested, to the surprise of many of us.

So if we could just come to a compromise today that everybody's votes count as they intend for it to count. And if you don't get as many votes as NOTA, you're not elected.

If we can agree to that today, we don't have to halt this election. We can just continue on with that understanding and we can go forward. And we will make it much clearer next year. You know this is a lesson learned kind of situation where there are improvements to be made for sure.

But you know, this could be one case where a mistake was made. It was brought to the attention and we corrected it and we can move on. We can get back to doing the business of the stakeholder group which is, fighting for the interest of non-commercial users instead of fighting about whether or not our own members should have a vote, with each other.

So I would propose that we come to that compromise today so we don't have to halt the election and start all over. Thank you.

Tapani Tarvainen: May I?

Joan Kerr: Thank you. Go ahead Tapani.

Tapani Tarvainen: Also we noted, that's naturally a compromise. But noting this - Glen's explanation, I would be willing to suggest that we proceed with the election (unintelligible) and that, none of the above, alongside other candidates will not invalidate the votes.

But we do not clearly have a consensus position on what will happen if, none of the above.

Robin Gross: Right.

Tapani Tarvainen: So...

Robin Gross: Well we can't do that because then people don't really know what they're voting for. What does it actually mean when you vote, none of the above?

I mean you can't say, go ahead and vote and we'll sort it out later; whether or not that counts and what that means. That's absolutely - lacks any logic whatsoever. So, the election will have to stop unless this decision is reversed.

((Crosstalk))

Poncelet Ileleji: Poncelet for the (unintelligible).

Joan Kerr: Go ahead.

Poncelet Ileleji: I think what happened last year, Glen has explained and it is very clear. So all votes count. And to me it is very obvious that if, none of the above, is higher than someone, none of the above wins. So that person is not elected so, what are we arguing on?

I think it's straightforward and we should move ahead. There should be a compromise on this because we can't be dragging this. It's now about when it is clear that all votes count. If all votes count, which one that is ticked as, none of the above, or an individual who has the highest amount of votes wins.

Robin Gross: Thanks. I agree with Poncelet. It's really the only way forward that doesn't stop this election today.

Monika Zalnieriute: Great point. Monika. What is it that we want to reach on consensus today? There's a compromise on the table so, what do we want to accomplish today?

I have to say that I personally disagree with - if NOTA gets more votes than the candidates that all of a sudden we have a new vote. I mean I don't understand what that - I mean what - where is the direction in the Charter that says, this is what we do?

Other than it's, you know, information? I think you know, obviously there's a lot of work that needs to get done in defining what we do.

I don't want to impose opinions or feelings or anything like that, on decisions. So it's, what do we...

Robin Gross: Well the Charter is actually pretty clear that the Executive Committee fills vacant spots on the Council. So you know, we've done that before. We have a process.

When we appointed Klaus to be a GNSO Council, it was us as the Executive Committee that did that. We have the process for doing that and it's worked. And that's not an issue.

The issue is, the idea somehow that people are not going to be allowed to vote their heart's content on the ballot. And you're really going to have to make that case to the membership. And it will go to a vote of the membership.

This is about disenfranchising our members here. This is as big of a deal as it gets in terms of what we're willing to go to the mat for.

Joan Kerr: Okay, so is there...

Robin Gross: I'm having a hard time though, understanding why - are people afraid that, none of the - is there like they're afraid to run against, none of the above? Is



that the problem, you're afraid - somebody is afraid to run against, none of the above?

What do they think is going to happen if they have to run against, none of the above? How is this a bad thing for somebody to have to be - is there being put up for an election to represent someone? For there to be a yes or no vote on that.

I mean, I'm a bit shocked to hear our member representatives trying to essentially take away their rights to vote on people.

((Crosstalk))

Robin Gross: And I don't expect the members are going to like it when it goes to a membership vote.

Monika Zalnieriute: Robin, I just want to say that I don't think anyone is doing that. We're just having a discussion and asking - we have to ask the questions. That's what democracy is about.

So it doesn't necessarily mean you believe in something. You're just asking to make sure it's clarified and that all angles are questioned. At least in my case that's what it is.

So the - what's on the table, no one's hands up, first of all. Let me - no one's hand up; good.

So can I just ask one quick question before we move ahead with the next step? Was there a case where there were only three candidates and the, none of the

above situation, the same as this year? Was there in your recent memory?

Maybe I go to Robin.

Robin Gross: We've never had a case where, none of the above has actually won. But we want - we think it's important that as a matter of principle that it's on the ballot. That it is...

Monika Zalnieriute: No, no, no I'm not questioning.

Robin Gross: ...always an option.

Monika Zalnieriute: No, no we've agreed that it's going to be - that's not a question. I just wondered what happened and how it was dealt with. That's all.

Robin Gross: The vote counts and it's counted up and it's tallied up alongside all of the others. And so you know...

Monika Zalnieriute: So in the case of...

Robin Gross: ...sort of as if it were a candidate in and of itself which it isn't. But it's sort of listed as such.

Monika Zalnieriute: Okay, so in the case - I guess what I'm trying to get it is in the past -- and you know sorry I'm putting you on the - I'm sorry for doing it. I'm just asking just to clarify for my own understanding.

In the past if there were more than three candidates and there was an option for, none of the above, was there a case where there were more than three candidates and none of the above had more than those candidates? And, what happened in that case?

Robin Gross: We haven't had that case yet.

Monika Zalnieriute: Okay.

Robin Gross: We haven't had that case yet. But you know, we need to prepare for it. We need to make sure it's very clear what happens in that case.

Monika Zalnieriute: Right.

Robin Gross: And so that's in a sense, what we're here to discuss.

Joan Kerr: All right. So if - so then the question is - and Monika that's exactly what I was going to ask if - the question is, if the NOTA option has more response than other candidates, what happens then?

Robin Gross: So then the candidates who have less votes than NOTA, are not elected. They did not reach the sufficient number of support - broad support across the membership.

If, none of the above - you know, you can't get as many votes as, none of the above; sorry you're not elected.

Joan Kerr: Okay. And where is that defined?

Robin Gross: Well, I don't know - I'm not exactly sure where it is written down. But it's the way that we're interpreted it in the past. And it would be quite a surprise for people's votes to not be counted as such.

So I think that - I'm sorry, what was that?

Poncelet Ileleji: Excuse me. I think what's - its Poncelet speaking. I think it's - and this is simple mathematics. As a computer scientist I will say, it's obvious that majority wins.

Okay, if NOTA is on the ballot, it doesn't have to be in the operational procedural manual. NOTA is on the ballot. NOTA votes count. If NOTA wins ahead of candidate A, that candidate cannot be elected.

So I mean it's - for us to start - I mean there are a lot of legal minds here. But for us to start waiting to be nitty gritty of things, I think it's not right.

What maybe we should be looking at, why is it that a lot of people - more people have contested this election? Then if maybe more people had contested this election, don't be a NOTA on the ballot.

But NOTA is there. We should stick with it. NOTA wins; NOTA wins. Because it is getting too much. We have spent a lot of time here. Glen has explained this clearly. Everybody has justified their case. We should move on. NOTA wins; NOTA wins.

And this is - I'm saying it very independently as an EC matter with no agenda. Thank you.

Robin Gross: Thank you Poncelet. I really appreciate that. And I think, you know, if we can just agree to that right now, we can end this. We can go back to doing the work; the business of our stakeholder group.

I'm having a hard time understanding why people want to go to the mat for not giving people the right to vote against a candidate. That's just - it makes

no sense to me. This will go on and on and on unless you accept Poncelet's compromise.

Joan Kerr: Well I don't know what you mean by people not wanting to have that option because I definitely want to have it. So I'm not sure what you mean.

But okay, so let's move on. So if NOTA wins, the candidate with the least amount of - because we have to have an explanation for the community, correct?

Robin Gross: Sure.

Joan Kerr: I mean we have...

Robin Gross: Yes, we need to come out of this call with an explicit interpretation so people know what they are in fact voting for. Because if we don't then we have to hold the election because people don't even know what NOTA means when they vote for it.

Joan Kerr: All right. Well, so we've agreed that NOTA is going to be counted. What is the explanation that - sorry, go ahead.

Tapani Tarvainen: And just, I'll say that as already many times noted, there have been many votes where there is no NOTA. There are many votes that doesn't have any (unintelligible) on the election so far.

So instead of arguing if it's obvious or that it's disenfranchising members or what anybody things, let's just say that we agree to disagree and move on to make a decision here.

I'm happy to recuse myself from the decision. Because it has been (unintelligible) here. So, if all other EC member agree, I'm fine with whatever they decide.

Robin Gross: So just so I understand what you're saying, you're going to recuse yourself from this decision. And then the rest of the members of the Executive Committee will define NOTA; will reach an agreed interpretation to deliver back to our members today. Is that what you're saying? Because, I can live with that.

Tapani Tarvainen: I will record my objection but, I will recuse myself from the decision because...

Robin Gross: But what is it you're objecting to? I'm not sure I understand what you're objecting to.

Tapani Tarvainen: That I don't agree that this is the right way to do it. But - well...

Robin Gross: Are you recusing yourself? Which is it?

Tapani Tarvainen: I will recuse myself from the vote so you can decide, is part of my objection, if you're happy with that.

Monika Zalnieriute: My personal issue is that I have read other people's emails. And I mean it's not just one aspect. It's, other people have different interpretations.

So the question is, how do we address, so that everyone is included, not just people who have objected to it? That's the issue that we have to deal with as an EC. That's - it's not a personal objection. And even if it was, I don't know why that would be in question anyway.

But you know, are we supposed to represent one constituency that has voiced their opinion and not the other? That's the hesitation since it was asked. That's the...

Robin Gross: Okay, well let's try to you know, focus on the issue before us which is, the interpretation of NOTA.

And I think Poncelet has come up with a good compromise here that we can agree to and we can end this. We don't have to go back to the list with an endless debate about what does it mean to vote and what is democracy and how do systems, and why should you be allowed to vote yes, no, or otherwise, which we will have to engage in for the next month if we can't simply agree to this compromise today.

Joan Kerr: Okay, well...

Poncelet Ileleji: Joan, Poncelet speaking. It is the - just as Robin has said, it's a very simple compromise decision. NOTA as we all know, is on the ballots. Glen has clarified it. So NOTA votes count.

If NOTA wins the ballot; NOTA wins. And that's the simple message. It's clear to everybody. It's on the ballot. So if NOTA wins, it wins.

This (unintelligible) position on everything we'll be going back and forth. So that is how we should, as it is on the ballots, it wins; it wins. We put that to the membership.

It's unfortunate that our Chair said he's not going to buy into this. But unfortunately; mathematically common sense, it makes sense. So we should go that route and we should end this.

Joan Kerr: Okay, so...

((Crosstalk))

Poncelet Ileleji: What the NSG is supposed to be doing.

Joan Kerr: Okay, so Robin...

Robin Gross: I vote for that too, so that's two votes at least.

Joan Kerr: Yes. So according to our rules we are supposed to be in consensus, correct?

Robin Gross: That's right.

Joan Kerr: So robin you're in agreement with...

Robin Gross: With Poncelet; that's right. If NOTA beats you then you're not elected. NOTA wins. You have to get as many votes as NOTA to be elected. And you know, we'll just clarify that with the membership and you know, we're done.

Joan Kerr: Monika, you're in agreement as well? If you're not speaking, if you could type that in as well. And Poncelet? We know Tapani has excused himself. Monika, if you're still with us - yes.

Robin Gross: Monika says yes. She's typing yes on the chat with an exclamation point so, we can go back to business.



Joan Kerr: And so I think that this - for me it's not defined on what the action would be afterward. And that's what I - that's my stumbling block at the moment.

Robin Gross: Well the action - I mean how we fill a vacancy? Well we would look into the Charter which has...

Joan Kerr: Here's what I think. I agree with everything that you know, the democratic way. And my questions were just to clarify them. I'm not in disagreement with people's validation of votes or anything like that. I absolutely agree.

What my issue always is, when someone runs or is responsible or is - put themselves up for being a candidate, if the rules are not told to them - like if somebody runs because they understand, these are the responsibilities. These are the rules that they run by, right. And they accept those.

And obviously there was no precedent for this and that's my issue at the moment is, why are we imposing this on the...

Robin Gross: I'm sorry, you're arguing - are you still trying to argue against it or, are you going to vote on the...

((Crosstalk))

Joan Kerr: Sorry, I just want to...

Robin Gross: I'm wondering why you want to go around and around about this. I thought we had a proposal on the table that everyone has vote for except for you. So we're waiting for your vote and it sounds like you're not going to give one. You want to continue to argue about it.

Joan Kerr: I don't think it's arguing first of all. I don't argue. I'm trying to point out a few things, in terms of fairness. That's how I see it.

So I don't believe that a no vote for someone makes them lose. I mean I just - I go back to what...

Poncelet Ileleji: Okay, excuse me.

Joan Kerr: Go ahead Poncelet.

Poncelet Ileleji: Joan, what you have said - yes, Poncelet speaking. What you have said previously, mentioned before.

Maybe next time - maybe next time they will explicitly that the NOTA votes count. If some people didn't know about it, so the votes count. So for us to move ahead, you either say yes or no and then we know. There's no arguments here.

You have your own opinion. We respect it. We make a decision because we are dragging. Your question and you have the right; yes to question some certainties. But I think now we have agreed on, just as Tapani has said - made up his mind, I think it's you that is chairing it and going around and around.

Robin Gross: Yes, I agree. I mean Joan if you're going to Chair; Chair. If you're going to advocate; advocate. Which is it?

Joan Kerr: Well I'm Chairing so I agree with Tapani - sorry, it's just that I'm new to this and I try to be fair to arguments, right and put questions - pose questions. So that's just my style.

So yes, let's move ahead with the decision then because that's - its three people have agreed to it. And what we need to explain...

Robin Gross: You mean four, right.

Joan Kerr: Four, right. So...

Robin Gross: With one recusal.

Joan Kerr: Yes. I say three because the three of you have agree to it.

Robin Gross: The three of us. You're not a member - you're not voting on this?

Joan Kerr: Well...

Robin Gross: That's what...

Joan Kerr: Let's go ahead with it. I'm voting for it.

Robin Gross: Thank you. Because now we can get back to you know, actually doing the work of the stakeholder. That's the important thing here. Let's move on.

Poncelet Ileleji: Thank you very much Joan. That's the most important thing. Thank you very much. It's easy. Thanks.

Joan Kerr: Well it's up to the candidates to do their own campaigning. Okay, so Tapani can I ask you then to write something to the community or if everybody wants to do that?

Robin Gross: I think that needs to go through the Executive Committee first, how the discussion of this - the announcement of this outcome is...

Joan Kerr: Right. So if we could do that...

((Crosstalk))

Robin Gross: ...approved by the entire committee. No more...

((Crosstalk))

Joan Kerr: (Unintelligible) to everyone and then we can do a formal announcement.

Robin Gross: Yes.

Joan Kerr: Great. So can we ask that - it was a good discussion by the way? All right, so that's the action. And if there are no other questions, comments - no; no hands up.

Robin Gross: Oh, I think that's quite enough for one day; thank you.

Joan Kerr: It was good.

((Crosstalk))

Poncelet Ileleji: Monika, I think your question - you're now asking another question is, how do you feel a NOTA? A NOTA seat will wait.

Tapani Tarvainen: So the conclusion here is that the decision was, despite my dissenting opinion because I pled to dissent, that we continue with the current ballot. We'll now

set to vote - (unintelligible) one or two other candidates. And if any candidates who get less votes than the NOTA will not get elected.

Robin Gross: That's right. That's our interpretation of NOTA.

Tapani Tarvainen: Okay, I will send an announcement to the list. And that's for if that actually happens, someone gets a NOTA then we will have to make another decision maybe on the next call.

Robin Gross: I'm sorry, if somebody does what?

Tapani Tarvainen: If somebody gets less votes than NOTA and is not elected, so we have vacant slots, we can decide that on the EC later.

Robin Gross: That's right. That's the simple, easy appointment and we've filled it before. We filled it - we put Klaus in the job so I don't think we'll have any problem filling it again.

Joan Kerr: Yes, as long as there's an action. So, that's great.

Poncelet Ileleji: Yes, I agree with that.

Joan Kerr: Yes, okay great.

Robin Gross: Thank you.

Poncelet Ileleji: Thank you.

((Crosstalk))

Joan Kerr: If there's nothing else, no hands are raised. I'd like to thank you all. Sorry  
Monika. So thank you again and I'd like to call this meeting to a close.  
Thanks.

Robin Gross: Thank you. Appreciate it. Bye.

Maryam Bakoshi: Thank you everyone for attending the meeting. Sorry, you may now  
disconnect. Thank you very much for your time today. Good bye.

Tapani Tarvainen: Goodbye all.

END