

Public Comment Period #2

Section 7.2 Reconsider/Reject Changes to ICANN's Standard By-Laws (Page 56)

"Power to reconsider or reject changes to ICANN 'Standard' Bylaws: The Community has the ability to reject proposed Bylaws changes after they are approved by the Board but before they come into effect." - CCWG Proposal #2 Executive Summary

Areas of Consensus

Eight comments were submitted on the proposed community power to reject or force reconsideration of a proposed standard bylaw change. All were supportive of this community power. No commenters were opposed.

Areas Needing Refinement

Two commenters submitted suggestions for further work and/or consideration:

- Commenter "ELIG" submitted:
 - "Deadlocks in changing bylaws or fundamental Bylaws may require stress test: "We believe that it would be helpful to also explain the details of the legislation procedures in case of a deadlock during the amendment/enactment of a bylaw."
- The ICANN Board submitted:
 - "Agreed. The Board should not be instituting Bylaws changes that are not supported by the community. The community threshold to demonstrate an objection to a Bylaws change needs to be agreed upon, using the current SO/AC structure as opposed to the voting mechanism proposed in the CCWG-Accountability Proposal."

Areas of Divergence

- The ICANN Board supports the community power and acknowledges the need to establish mutually agreeable thresholds for its use, but prefers “using the current SO/AC structure as opposed to the voting mechanism” included in the CCWG’s second draft proposal.
- Both comments highlight the need for further consideration and/or explanation of the mechanisms for implementing and enforcing the agreed-to community powers.

Options for CCWG Consideration

- The CCWG may consider further clarifications around the triggers, thresholds and dispute resolution paths, required for, or resulting from, the use of this power.
- The CCWG may consider revising the community empowerment mechanism to rely on consensus among the SOs and ACs, rather than voting.
- The CCWG may consider further explaining how a conflict or deadlock resulting from the use of this power would be resolved.