

# Guideline: ccNSO Council Election Procedure

(Draft) Version 2.1

Date of review: August 2017

Date of adoption by the ccNSO Council:

## 1 Introduction and Background

At 27 May 2016 the ICANN Board adopted the new bylaws under the resolutions 2016.05.27.01 – 2016.05.27.04:

With regard to the **membership of the ccNSO Council** the bylaws state: Section 10.3. CCNSO COUNCIL “**(a)** The ccNSO Council shall consist of (i) three ccNSO Council members selected by the ccNSO members within each of ICANN’s Geographic Regions in the manner described in Section 10.4(g) through Section 10.4(i); (ii) three ccNSO Council members selected by the ICANN Nominating Committee; (iii) liaisons as described in Section 10.3(b); and (iv) observers as described in Section 10.3(c).”

With regard to the **regular term<sup>1</sup>** of each ccNSO Council member the bylaws state: Section 10.3. CCNSO COUNCIL “**(d)** (i) the regular term of each ccNSO Council member shall begin at the conclusion of an ICANN annual meeting and shall end at the conclusion of the third ICANN annual meeting thereafter; (ii) the regular terms of the three ccNSO Council members selected by the ccNSO members within each ICANN Geographic Region shall be staggered so that one member’s term begins in a year divisible by three, a second member’s term begins in the first year following a year divisible by three, and the third member’s term begins in the second year following a year divisible by three; and (iii) the regular terms of the three ccNSO Council members selected by the Nominating Committee shall be staggered in the same manner. Each ccNSO Council member shall hold office during his or her regular term and until a successor has been selected and qualified or until that member resigns or is removed in accordance with these Bylaws.”

## 2 Purpose of the Guideline

The purpose of this guideline is to document processes and procedures pertaining to the nomination, selection and removal of ccNSO Council members.

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<sup>1</sup> *Bylaw Section 10.3(h) designates the ccNSO Council as responsible for administering and coordinating the affairs of the ccNSO. Pursuant to this authority, the Council has provided that since 2003 the term of the Councillors selected by the ccNSO members started at the conclusion of the first ICANN meeting of a calendar year and it ended at the conclusion of the first ICANN meeting of a calendar year. The Council believes that materially and effectively continuing this practice will continue to ensure continuity and predictability. Continuity is ensured as not all six Councillors whose term ends need to step down at once: the NomCom appointed Councillors do take their seat at the end of the annual general meeting (AGM). As to predictability current practice has evolved over the last 14 years. Changing this absent a compelling need could prove to be disruptive - for example by ending the practice of interviewing potential Council candidates at the most appropriate ICANN meeting preceding selection, which currently is the annual general meeting.*

## 3 General Provisions

### 3.1 Eligibility to be Elected to the ccNSO Council

A Councillor can be any individual nominated, seconded and elected as described in this Guideline. Individuals are elected in their personal capacity and serve the ccTLD community. Councillors do not represent the views and interests of their employers.

### 3.2 Eligibility to Nominate and Second

Only ccNSO members will be able to nominate and second candidates to serve as a ccNSO Councillor. New ccNSO members are able to participate in the nomination process if the ccNSO membership application has been approved by the ccNSO Council one day prior the nomination process starts. ccNSO members may self-nominate themselves but are not allowed to second their nomination. Self-nominations must be seconded by two ccNSO members from the region.

### 3.3 Eligibility to Vote

Only ccNSO members from a Geographic Region are allowed to vote for candidates to the ccNSO Council from that Geographic Region.

### 3.4 Summary of the Election Process

The ccNSO Council shall appoint the Election Manager and establish the timeline for nomination and election of ccNSO Councillors by members no later than two months before the last ccNSO face-to-face meeting of the year; during which the candidates are given the opportunity to present their statements and answer questions from the community.

A valid candidate is one that has been nominated and seconded according to this Guideline and that has accepted the nomination. If there is more than one valid candidate in a Geographical Region, an election shall be conducted in that region. Voting will be by secret ballot, that is, the ballot is identified only by a code and not by a name.

The nomination and election process will be supervised by the Election Manager, who will also announce the outcome.

## 4 Election Manager and Timelines

With regard to the **timeline** to nominate and elect a ccNSO Council members the bylaws state: Section 10.4. MEMBERSHIP “(g) The ccNSO Council members selected by the ccNSO members from each Geographic Region (see Section 10.3(a)(i)) shall be selected through nomination, and if necessary election, by the ccNSO members within that Geographic Region. At least 90 days before the end of the regular term of any ccNSO-member-selected member of the ccNSO Council, or upon the occurrence of a vacancy in the seat of such a ccNSO Council member, the ccNSO Council shall establish a nomination and election schedule, which shall be sent to all ccNSO members within the Geographic Region and posted on the Website.”

## 4.1 Appointment of Election Manager

9 weeks prior to the last ICANN meeting of the year, the ccNSO Council appoints an Election Manager from the ccNSO Secretariat and establishes the timeline for the upcoming nomination.

## 4.2 Nomination and Election Timeline

At least 9 weeks prior to the last ICANN meeting of the calendar year, the AGM	Appointment Election Manager
5 weeks prior to the start of the AGM	Start call for nominations
2 weeks prior to the start of the AGM	Deadline to nominate and second candidates
1 week prior the AGM	Deadline for candidates to accept nominations. The list of candidates who accepted their nomination is being published
At the last ICANN meeting of the calendar year (the AGM)	ccNSO Members meeting Q&A: the Election Manager will ask the candidate(s) to provide and present a Candidate Statement at the first ICANN meeting following the closure of the nomination period.
1 week after the AGM	Campaign period closes
2 weeks after the AGM	Election starts and ballots are issued.
4 weeks after the AGM	Election is closed.
5 weeks after the AGM	Voting results are announced. If there are no run-off elections the report is finalized.
6 weeks after the AGM	Run-off elections start, if any.
1 week after the run-off elections.	Deadline for run-off elections, if any. Voting results of the run-off elections are announced.
Max. 1 week after closing of the run-off elections	Finalise and distribute the report

If there is more than one valid candidate in the same ICANN Geographic Region, an election will be conducted, in accordance with the timeline as specified under 4.2 of this document.

## 5 Call for Nominations

With regard to the **nomination** of individuals to serve as ccNSO Council members the Bylaws state: Section 10.4. MEMBERSHIP “(h) Any ccNSO member may nominate an individual to serve as a ccNSO Council member representing the ccNSO member’s Geographic Region. Nominations must be seconded by another ccNSO member from the same Geographic Region. By accepting their nomination, individuals nominated to the ccNSO Council agree to support the policies committed to by ccNSO members.”

### 5.1 Nomination Process

The Election Manager will send an email to the ccNSO members, with the detailed description of the nomination process. Nominations/secondments should be sent to the Election Manager according to instructions. Upon receipt, a confirmation email will be sent to the nominator/seconded by the Election Manager. For regular nominations, a minimum of one secondment is necessary for a candidate to be able to continue in the election process. For self-nominations a minimum of two secondments are necessary for the self-nominated candidate to continue in the election process.

### 5.2 Nomination Template

1. Your full name:
2. Your e-mail address:
3. Your ccTLD:
4. Your geographic region:
5. Full name of the person you nominate to the ccNSO Council:
6. E-mail address of the person you nominate:

### 5.3 Secondment Template

1. Your full name:
2. Your email address:
3. Your ccTLD:
4. Your geographic region:
5. Full name of the nominee you would like to second:

### 5.4 Accepting Nominations

The Election Manager will ask the candidates that are nominated by third parties to accept their nomination. Self-nominations are understood to have accepted their nomination. The Election Manager shall provide a list of the candidates that accepted their nomination. A record of nominations, secondments and acceptances will be available at the ccNSO website.

## 6 Elections

If at the close of nominations there are no more valid candidates in a particular Geographic Region than there are seats on the ccNSO Council available for that Geographic Region, then the nominated candidates shall be selected to serve on the ccNSO Council. Otherwise, an election shall be held to select the ccNSO Councillors from among the valid candidates. In such an election, a majority of all ccNSO members in the Geographic Region entitled to vote shall constitute a quorum, and the selected candidate must receive the votes of a majority of those cast by ccNSO members within the Geographic Region. The voting will be conducted as follows: the voters are required to indicate on the ballot the

candidate of their choice, and the winner is the candidate who receives more votes. In the event two or more candidates have received the same number of votes in the election, and no winner can be identified, a run-off election will be conducted between these candidates.

The full record of the number of votes will be published at the end of selection process on the ccNSO Website. The results of the election will be announced by the Election Manager. The Chair of the ccNSO Council shall inform the ICANN Secretary of the selection.

## 7 Removal of a Councillor

Any Councillor may be removed by:

- a) a majority of ccNSO members in the Geographic Region, from which the Councillor have been elected, or
- b) a three-fourths (3/4) majority vote of all ccNSO Councillors.

### 7.1. Removal of a Councillor by ccNSO members

At least 25% of the ccNSO members from a geographic region may initiate a process to remove a Councillor elected from their Geographic Region by sending the request to the Secretariat or to the Chair of the ccNSO Council. The request should contain at least the following:

- 1) Name of the Councillor to be removed
- 2) The ccNSO member who initiates the removal process
- 3) A supporting rationale in reasonable detail
- 4) A statement as to whether or not the initiator requests that the ccNSO Council organise a questions and answers session with the Councillor during the upcoming ccNSO members meeting.

To give a Councillor time to prove themselves, such a request shall not be filed sooner than 6 months after the Councillor had been elected.

Upon receipt of the requests, the Chair or a Vice-chair of the ccNSO Council shall invite the initiators and the Councillor to a dialogue. If the dialogue is not possible or if it does not produce any significant results within two months, the Chair or the Vice-chair of the ccNSO informs the ccNSO Council about the need to initiate removal process. The ccNSO Council at its next meeting appoints an Election Manager and establishes Removal timeline:

ccNSO Council meeting	Appointment of Election Manager
ccNSO Council meeting + 1 week	Initiate vote for Removal in the particular Geographic region
ccNSO Council meeting + 3 weeks	End of the vote for Removal

The appointed Election Manager informs ccNSO members about the initiated request to remove the Councillor and shares with the community the supporting rationale of the removal request. The Councillor, which is being removed, has the right to add his/her statement or response.

The Election Manager initiates the vote for Removal among the ccNSO members in the region. The vote window will be two weeks.

If majority of the ccNSO members in the Geographic Region vote in favour of removal, the ccNSO Council will initiate a new election process. The removed Councillor shall not be nominated during the new election process.

## **7.2. Removal of a Councillor by the ccNSO Council**

If a ccNSO Councillor substantially misbehaves or constantly ignores his/her responsibilities on the ccNSO Council, the Chair of the ccNSO Council and at least one of the Vice-chairs will reach out to the Councillor in question to discuss the ways to resolve situation. If the dialogue is not possible or if it does not produce any significant results within two months, the Chair of the ccNSO Council may initiate the request to remove the Councillor by informing the ccNSO Council. The ccNSO Council may then take a vote or decide to establish a Mediation Committee.

The Mediation Committee should consist of at least three Councillors. At least one of the members on the Mediation Committee should be another Councillor from the same Geographic Region. The Mediation Committee will reach out to the Councillor in question and will have three months to resolve the situation. The Mediation Committee will advise the ccNSO Council on further actions. If three-fourths of the ccNSO Council vote in favour of removal of the Councillor, the ccNSO Council will initiate a new election process. The removed Councillor may be nominated during the new election process.

## **7.3. Removal of a NomCom Appointed Councillor**

If a ccNSO Councillor appointed by the ICANN Nominating Committee materially fails to fulfil his/her responsibilities, the Chair of the ccNSO Council and at least one of the Vice-chairs will reach out to the Councillor in question to discuss the ways to resolve situation.

Placeholder: Further steps with respect to removal of a NomCom Appointed Councillor, if any, will need to be discussed first with the Nominating Committee. Once this conversation has been concluded, this Guideline will be updated to take into account the results of this conversation.

# **8 Miscellaneous**

## **8.1 ccNSO Internal Guideline**

This Guideline is an internal rule of the ccNSO in accordance with Article 10 section 3.(k) and Article 10 section 4. of the ICANN Bylaws. This Guideline should also be considered as the internal procedure of the ccNSO to elect ccNSO Council members.

## **8.2 Omission in or unreasonable impact of the Guideline**

In the event the Guideline does not provide guidance and/or the impact is unreasonable to conduct the business of the ccNSO, the ccNSO Council, or the review team, the Chair of the ccNSO will decide.

## **8.3 Publication and Review of Guidelines**

The Guideline will be published as part of the rules and guidelines of the ccNSO after adoption by the ccNSO Council.

The Guideline will be reviewed every 2 years at the time of review of the annual Work plan, or adjusted when considered necessary. In order to become effective the updated Guideline must be adopted by the ccNSO Council and published on the ccNSO website.

Before publishing the updated Guideline, the Secretariat will update the version number and insert the date the Guideline was reviewed and adopted by the ccNSO.