

Community Call At-Large Director Appointment Process

07.12.09

Meeting Number: AL.ALAC/CC.1209/1

Date: Monday, 07 December 2009

Time: 08:00 UTC

Midnight PST, 03:00 EST, 05:00 Buenos Aires, 08:00 London, 09:00 CET, 11:00 Nairobi,
16:00 Singapore/Hong Kong, 19:00 Sydney

Adobe Connect Room: <http://icann.na3.acrobat.com/atlargedirector08102009/>

Proposed Time-Frame for the At-Large Director Appointment:

December 2009 - ALAC to submit final draft process to the Structural Improvements Committee (SIC) of the Board

January/February 2010 - Expressions of Interest from candidates and outreach by Board Selection Working Group (BSWG)

May 2010 - Vote

June 2010 (ICANN Meeting in Brussels) - Announcement of Director

December 2010 (ICANN AGM) - At-Large Director seated

Meeting Background:

In its meeting of 27th August 2009, the ICANN Board of Directors unanimously resolved as follows:

'IT IS RESOLVED THAT the recommendation of the BRWG to add one voting director appointed from the At-Large Community to the ICANN Board of Directors, and removing the present ALAC Liaison to the Board, is approved in principle for implementation. Staff is directed to identify all steps required to achieve the implementation of this principle, after issuing of the BRWG Final Report.'

The proposal that one or more voting Director seats on the ICANN Board should be selected by the At-Large community is a recommendation of the recently-completed At-Large Independent Review process. The other recommendations in the Final Report of the Board's At-Large Review Working Group were approved by the Board during their meeting at the Sydney ICANN meeting in June.

As referenced in the final part of the resolution, the next step in the implementation of the resolution will be the presentation at the Seoul meeting of the full report of the BRWG (Board Review Working Group), as this element of change of the Board is a part of the broader Board review process.

In the meantime, the At-Large community's ALAC has resolved upon drawing up a process to submit to the Structural Improvements Committee of the Board at the Seoul ICANN Meeting. This section is for development of ideas and a draft process to that end.

Guest: Ralph McKay, BigPulse Online Voting Services

Participants: F.Seye-Sylla, A.Greenberg, A.Piazza, C.Aguirre, C.Samuels, C.Wilkinson, D.Anand Teelucksingh, E. Leibovitch, G.Shearman, Hong, JJ.Subrenat, O.Crepin-Leblond, P.Vande Walle, R.Beca, S.Herlein Leite, S.Bachollet, T. Drake

Apologies: H. Diakite, W. Ludwig, D.Kissoondoyal

Staff: M.Lorenzi, H.Ullrich, N.Ashton-Hart, G.Gruber-White

Interpretation Available: No

How can I participate in this meeting?

Who is on the dial-out list for this call?

Recording: English

Transcript: English

A G E N D A

1. Introduction: Welcome, Purpose and Process of Call (Cheryl Langdon Orr) - 5 min

a. Welcome

b. Purpose of Call

The ALAC requests final confirmation and feedback on Community-wide and Regional discussions on the At-Large Director selection process (pre and post Seoul meeting). Specifically, we will review recent thinking within the regions with respect to the selection process, and decide next steps in the development of the selection process.

The ALAC also continues to seek additional At-Large Community feedback on the process to appoint a voting ICANN Board Director in order to submit a FINAL DRAFT process to the Structural Improvements Committee (SIC) of the Board within the next few weeks. As agreed in the Seoul Meeting, this call will include a discussion of possible voting processes by a guest speaker from BigPulse on-line voting services.

2. Discussion of Voting Systems with Ralph McKay, BigPulse Online Voting Services - 20 min

3. Review and Discussion of Current Draft Procedure for Appointment of a Director by At-Large - 15 min - [click here](#) for current working proposal

Input and comment will be called for using the Adobe Connect room. The order will be rotated to ensure all regional and individual input is collected and offered for discussion (including within the Adobe Connect chat space) to allow for all participants to have ample and equitable opportunity to comment and contribute. Time limits will be placed on speakers reflecting the number of speakers wishing to address matters at any given time.

4. Consideration and Discussion of [Draft Candidate Criteria](#) - 15 - 20 mins

Speaker order and time limits will apply (see notes at Agenda Item 3 above)

5. Discussion of any other Outstanding Items/Matters Raised - 5- 10 mins

Speaker order and time limits will apply (see notes at Agenda Item 3 above)

6. Next Steps - 5 - 10 mins

[Questions About Legal or Other Issues](#) - use this page to ask questions about other issues which you think may impact upon the development of the process. The Staff will ensure they get transmitted to the right staff person to get the answers.

Useful Links

[NomCom Director Requirements 2009](#)

Comments:

I will attend the call
please call me on my Tunisian number : + 216 70 860 866 or + 216 70 860 877

Tijani

contributed by Guest User on Dec 2 3:22am

From an e-mail sent to the ALAC and At-large lists:

One of the issues that we must address in determining the overall process governing the selection of the At-Large Board Director is the adoption of a voting mechanism.

It has been suggested that we use the Instant-Runoff voting as called for in our Rules of Procedure for other elections. I disagree (in fact I disagree that we should use it in the other elections, but that is not the subject of this discussion).

I will present several separate arguments.

First, I believe that the process is difficult for many people to get their mind around, unless they are VERY used to this process. With an Instant Runoff ballot, you need to rank the candidates in your order of preference. That sounds easy, but understanding HOW the votes will be ranked makes it a lot more difficult. Here is what you need to do:

1. To fill the first ballot position, put in the candidate that you want to win. That is easy.
 2. To fill the second candidate position, assume that the candidate that you put in above actually comes in dead last - who would you want to win in that case.
 3. To fill the third slot, assume that the after your first candidate came in dead last and was eliminated, your next choice above also came in dead last in the next round.
- and so forth.

I believe that the above process is very hard for people to actually think through. It is difficult to select the 2nd and 3rd candidate, having to accept that the candidate(s) that you REALLY want to win will come in at the bottom of the poll each time.

Second, if you look at the current Bylaws for the election of the GNSO and ccNSO Directors, you will find:

GNSO: ... any such selection must have affirmative votes comprising sixty percent (60%) of all the respective voting House members.

ccNSO: ... any such selection must have affirmative votes of a majority of all the members of the ccNSO Council then in office.

Aside from the nicety of having a process which is in line with these two very visible ICANN bodies, I think that it is CRUCIALLY important that everyone and especially the other Board members know that the person put on the Board by At-Large was consciously and actively voted for by at least a majority of those eligible to vote. I do not believe that an Instant Runoff meets these criteria.

Third, the Instant Runoff voting method is convenient, but to quote Robert's Rules of Order, one of the authorities on such procedural matters:

"...especially useful and fair in an election by mail if it is impractical to take more than one ballot. . . . In such cases it makes possible a more representative result than that under a rule that a plurality shall elect. . . . Preferential voting has many variations.

Unknown macro: {Instant runoff voting is the example given.}

...Although this type of preferential ballot is preferable to an election by plurality, it affords less freedom of choice than repeated balloting [the exhaustive ballot system](#), because it denies voters the opportunity of basing their second or lesser choices on the results of earlier ballots, and because the candidate in last place is automatically eliminated and may thus be prevented from becoming a compromise choice."

In the case of the vote for At-Large Director, we are NOT under a particularly tight time constraint and we could allow for runoff ballots. Such runoffs not only allow a person to make an enlightened choice in the sure knowledge that their original choice has been disqualified, but ensures that the final choice was THE candidate selected by the majority (or more if we wish) of the voters in the final round.

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There will be a presentation and discussion of this at our teleconference - [7 december 2009 community call at large director appointment process](#).

You can find more information on Instant Runoffs at http://en.wikipedia.org/wiki/Instant_runoff. Note that the link within our Rules of Procedure is incorrect.

Alan

contributed by Alan Greenberg on Dec 5 9:50pm

Submitted by Alejandro Pisanty on 6 December to the LACRALO-Discuss lists

Hola,

en previsión de que, por viaje, no pueda participar en la sesión de teleconferencia de este lunes, permítanme paortar una opinión que les pido transmitir. Si están de acuerdo además les invito a apoyarla.

Revisando el documento en

<https://st.icann.org/working-groups/index.cgi?At-Large%20Draft%20Procedure%20for%20Appointment%20of%20a%20Director>

que se refiere a los procedimientos para elegir un miembro del Consejo Directivo de ICANN a partir del At-Large, noto en el renglón 53 de la tabla, Opción 5, que se propone la opción de que todo individuo que exprese su interés por hacerlo pueda emitir un voto.

Esto se ha intentado antes y demostró inequívocamente conducir a un desastre.

Una eleccion no puede ser mejor que su registro de votantes. No existe un registro de usuarios de Internet, ni de individuos interesados en el At-Large, ni ningún otro que constituya un registro de la población preexistente a las elecciones.

En consecuencia, la elección que tendríamos por delante consistiría no en dividir el electorado entre las distintas opciones por las que se puede votar, sino en atraer electores, con cualquier argumento, a sumarse al padrón y votar. Esto es análogo a lo que hay en la historia de muchos países latinoamericanos: caciques/candidatos subiendo a los cerros por campesinos para llevarlos a las casillas con la instrucción y certeza de que votarán por el candidato "correcto".

Este procedimiento ya se presntó en el At-Large, en las elecciones del año 2000. Me tocó seguirlas muy de cerca como parte del Comité de Nominaciones (hoy equivalente al de Selección de Candidatos) y como miembro del Board de ICANN. Las fallas derivadas del criterio descrito en el párrafo anterior fueron múltiples - votos por nacionalidad, capturas corporativa, votos de clubes - y si bien no llevaron a la anulación de la elección y produjeron al menos tres directores competentes y valiosos, mostraron todas las vulnerabilidades de este proceso.

Así la elección directa en este caso, que a muchos puede parecernos en principio y por nuestras tradiciones la más democrática, se vuelve perversamente la opción más antidemocrática.

Reitero entonces mi petición:

1. a quien esté presente por la región pido transmitir el anterior criterio;
2. a quienes estén convencidos de estos argumentos les pido expresar su apoyo para que éste también sea transmitido en la teleconferencia.

Cordial saludo.

Alejandro Pisanty

EN Translation (using Google translate)

Hi,

in anticipation that, per trip, not to participate in the teleconference meeting this Monday, let me paortar I ask an opinion across. If they agree also invite you to support it.

Reviewing the document

[https://st.icann.org/working-groups/index.cgi? At Large% 20draft% 20Procedures% 20for% 20Appointment% 20of% 20a% 20Director](https://st.icann.org/working-groups/index.cgi?At+Large%20draft%20Procedures%20for%20Appointment%20of%20a%20Director) respect to the procedures for electing a member of the Board of ICANN as the At-Large, noted in row 53 of the table, Option 5, which proposes the option that anyone who expresses an interest in doing so may one vote.

This has been tried before and proved unequivocally led to a disaster.

An election can not be better than voter registration. There is no registration of Internet users, or individuals interested in the At-Large, or any other that constitutes a preexisting population register for the elections.

Consequently, the choice we would have ahead would not divide the electorate between the various options by which you can vote, but to attract voters, with any argument, to join the register and vote. This is analogous to loq ue is in the history of many Latin American PAIES: caciques / candidates up to the mountains by peasants to take them to the boxes with the education and knowledge that will vote for the candidate "right".

This procedure is already in presntó At Large, in the 2000 elections. I follow them very closely played as part of the Nominating Committee (currently equivalent to the Selection of Candidates) and member of the Board of ICANN. Failures resulting from the approach discussed in the previous paragraph were multiple - votes by nationality, catches corporate votes club - and while it led to the annulment of the election and were at least three directors competentesy valuable, showed all the vulnerabilities of this process.

Thus the direct election in this case, that many can parecernos in principle and as our most democratic traditions, it becomes perversely undemocratic option.

Then repeat my request:

1. who is present in the region ask transmit the previous criterion;
2. who are convinced of these arguments, I ask you to express your support for this will also be broadcast in the teleconference.

Cordial greetings.

Alejandro Pisanty

contributed by heidi ullrich on Dec 6 3:29pm

Submitted by Andres Piazza on 6 December to the LACRALO-Discuss lists

Estimados, 2 temas:

En primer lugar quiero reafirmar lo que ya Sylvia planteó en esta lista sobre la confusión generada por la teleconferencia (yo lo hablé en privado con quienes consultaron y espero haber aclarado esta confusión).

Respecto de lo planteado por Alejandro, 2 cosas:

- 1) Es un horario muy incómodo pero voy a estar y supongo que habrá varias personas de la región.
- 2) Comparto plenamente los argumentos de Alejandro. De hecho, con José Ovidio, Carlos Aguirre y Dev lo discutimos en Seoul y nuestra visión era exactamente esa.

En particular, las 3 primeras opciones son las que yo considero mas serias. Y principalmente la 3era.

Las últimas 2, agregadas al Draft, yo las descartaría.

Saludos Cordiales,

Andrés Piazza

EN Translation (using Google translate)

Dear, 2 tracks:

First I want to reaffirm what and Sylvia raised here about the confusion generated by the conference (I talked privately with those who consulted and I hope I have clarified this confusion).

Regarding the issues raised by Alexander, 2 things:

- 1) This schedule is very uncomfortable but I'll be and I suppose there will be several people in the region.
- 2) I fully agree with the arguments of Alexander. In fact, Jose Ovidio, Carlos Aguirre and Dev in Seoul and we discussed our vision was exactly that.

In particular, the first 3 options are what I consider more serious. And mostly the 3rd.

The last 2, added to the Draft, I of the rule.

Best regards,

Andres Piazza

contributed by heidi ullrich on Dec 6 3:40pm

Submitted by Karl Auerbach on 6 December to the At-Large Worldwide and ALAC-Announce listsSubject: [ALAC-Announce](#) INVITATION: Community Call on At-Large
Director Appointment Process 07 December 0800 UTC
"Appointment Process"

We should all know that ICANN, or at least ICANN's law firm, fears the use of the one word that actually characterizes what we want, "election".

See <http://www.icann.org/en/meetings/santiago/membership-analysis.htm>

This is done because ICANN's law firm asserted, seemingly without a principled argument to support that assertion, that that one word triggers certain rights under California law while the use of other, euphemistic but similar alternative words will not trigger those rights.

Please let us refrain from repeating the Orwellian artificial language that ICANN first used in year 2000 to avoid the word "election".

If we mean a process through which the users of the internet community may express their choice of a director in a way that mandates a result, then let us be clear and use the word "election".

If we mean a process in which the users of the internet community merely get to express a preference that can be modified or changed in any way then let us use a phrase that indicates this, perhaps using a word such as "advisory".

We ought to not be afraid that if there is a binding election that the voters will obtain some quite sensible and reasonable rights.

~~-karl-~~

contributed by heidi ullrich on Dec 6 3:54pm

If the indirect election model (that I believe has its rationale) is going to be adopted, ALAC is the most obvious, established and institutionalized electoral college for the at-large community. It is not very necessary to take time to set up a different one. After researching all the options in Step 5, I tend to support Option 1: ALAC elects a Board member from the final candidate list, on the conditions that the 10 RALO electives cast open ballots under the direction of their respective RALOs. The remaining question is whether the rest 5 NomCom appointees may cast private votes. With respect to Option 3, the only concern is that there will be 20 voters and could result in tie votes (hopefully it is not likely in instant runoff process).
Hong Xue

contributed by Guest User on Dec 6 6:15pm