

Power: Reconsider/reject Changes to ICANN “Standard” bylaws

Description:

This power would give the SOs and ACs who participate in the Community Mechanism as Sole Member (with input from the larger community) the right to reject proposed changes to Standard Bylaws after they are approved by the Board (but before they come into effect).

Rationale:

It is possible for the Board to amend Standard Bylaws in ways that the community may not support. For example, the Board could unilaterally change the ccNSO’s Policy Development Policy, or the Stakeholder Group structure of the GNSO, or the composition of the Nominating Committee.

Risk Assessment:

Likelihood: 3

Impact: 4



Process:

Start with a new bylaw: Board must announce it plans to consider a bylaws change, and must wait 30 days to vote.

1. Trigger: any individual can begin an online petition in any AC or SO. Each AC/SO defines its own threshold for petition support. If the threshold is met in any AC or SO, all others are invited to participate in a pre-call to decide whether to have a Community Forum.
2. Pre-call to decide whether to have a Community Forum: The Petitioning ACs/SO(s) circulate written justification for blocking the bylaw. ICANN hosts a conference call with all interested participants. After the call, at least 2 ACs/SOs must indicate they are sufficiently affected that they intend to participate.
3. Decision-making: Debate and Aim for CCNSO-style consensus, as in “no strong objection”. If no consensus, the petitioning AC/SO may ask for voting. Each AC/SO decides its vote using its own methods. To block the bylaw, at least 66% of participating AC/SOs must vote.
4. Outcome: if community decides to block the bylaw, it must publish a statement explaining why, including any amended language that would overcome the objection, etc. Minority statement could be published by participating AC/SO that did not agree with the decision or explanation.

Process Overview



COSO Framework Assessment

Organisational Environment	The goal of this power is to ensure that the community has an ability to ensure the board does not inadvertently impact critical aspects of ICANNs bylaws.
Risk Assessment	We believe that this power reduces risk by providing a second check on bylaw modification.
Accountability Activities	By adding the power to reject a bylaw change we increase the overall accountability of the organisation to its core goals.
Information and Communication	Provision of written rationale, early engagement with the board and strong process management will ensure that all parties are informed and current during the process.
Monitoring	A review of bylaws changes could be undertaken on a regular basis via the ATRT process

The impact of this power is to keep ICANN operating under the existing Bylaws despite changes proposed by the Board unless the community by inaction in response to an amendment does not object. If the petitioning period expires with no valid petition, fifteen days after a Standard Bylaws change is announced, the change goes into effect.

Draft bylaw text and legal analysis found in Annex 1234