

## Standing Committee on Improvements Implementation (SCI)

### Review Request

Per the SCI Charter, for items that are submitted for review 'on request', the SCI requests detailed input from the group affected by the process/operational change concerned. Either the GNSO Council or a group chartered by the GNSO Council can make such requests. The requester should provide the following information, if applicable, in order to have comprehensive information available to the SCI on the issue.

Note: Per the SCI Charter one member of the group that submitted the request should - if not already represented on the SCI - be nominated as an observer to the SCI until the review of the issue in question has been completed. Please submit the request to the GNSO Secretariat at: [gnsso.secretariat@gnsso.icann.org](mailto:gnsso.secretariat@gnsso.icann.org).

1. ***Date of Request:***
2. ***Name of Requester:*** Amr Elsadr (GNSO Council liaison to the SCI)
3. ***Which group do you represent?*** (e.g. Council, Working Group, Constituency, Stakeholder Group, etc.): GNSO Council
4. ***To which rules or processes do you refer?*** GNSO Operating Procedures, specifically Sections 2.2(b), 2.2(f) and 2.2(g) (GNSO Chair candidate eligibility, GNSO Council Vice-Chairs serving as interim GNSO Chairs, and posting of GNSO Chair election results)
5. ***Describe how the rule or process is currently used. In particular, please indicate whether the current rule or process is part of the GNSO Council Operating Procedures and, if so, include the section and subsection. If the rule or process is used informally please indicate whether you think that the Council expects this current practice to be translated into procedure:***

Section 2.2 of the GNSO Operating Procedures describe the procedure and requisite voting thresholds for electing a new GNSO Chair. The current request to the SCI concerns four issues that have arisen during the 2015-2016 round of voting for GNSO Chair. The first concerns Section 2.2(b), which provides that a candidate for GNSO Chair “does not need to be a member of a house, but must be a member of the GNSO Council.” With the ICANN Bylaws prescribing that a Council member’s term begins and ends at the conclusion of an ICANN annual general meeting, Section 2.2(b) as phrased would seem to limit candidates for the Chair to only incumbent, continuing Council members. The second issue concerns the provision in Section

2.2(f) for the Vice-Chairs to “serve as interim Chairs until a successful election can be held” if a new Chair is not elected by the conclusion of the ICANN annual general meeting at which her term ends. However, the Procedures are silent as to what happens when one or both Vice-Chairs’ terms also end at that particular ICANN annual general meeting. The third issue relates to Section 2.2(g), which calls for the Council to “inform the Board and the Community appropriately and post the election results on the GNSO website within 2 business days following each election and runoff ballot, whether successful or unsuccessful” without elaborating on what the appropriate mechanism (in addition to posting on the GNSO website) might be. Fourthly and finally, Section 2.2 does not set out a timetable for the GNSO Chair election or prescribe a modality for setting that timetable for nominations and election in each cycle.

6. ***Describe the issue(s) or problem(s) with the current rule or process:*** The problems with Sections 2.2(b) and 2.2(g) and with the lack of a general timetable have already been described in Paragraph 5. In relation to Section 2.2(f), the context is Article X, Section 3 of the ICANN Bylaws, which prescribes that the term of the GNSO Chair and Vice-Chairs shall be for “a term the GNSO Council specifies, but not longer than one year”. This has been interpreted to mean one year dating from the conclusion of each ICANN annual general meeting, on the presumption that the Bylaws expressly call for a Council member’s term to begin and end accordingly. The GNSO Operating Procedures do not specify the duration of the term of a Chair or Vice-Chair or how this is to be determined, as required by the ICANN Bylaws. In practice, this could lead to problems. For example, while the GNSO Chair is typically elected at the conclusion of one ICANN annual general meeting (with the GNSO Operating Procedures “filling in”, as described in Paragraph 5 above, to cover situations where a further round of voting is required), each House’s selection/election of its Vice-Chair does not occur until after a Chair is successfully elected. This practice leads to two consequences. First, it means that a GNSO Council Vice-Chair typically would hold office for less than a year. Secondly, in the event a new Chair is not successfully elected by the conclusion of an ICANN annual general meeting, and one or both Vice-Chairs’ terms as Council members end at the time as well, the GNSO may well be without even an interim Chair until the next, successful round of elections.

7. ***Describe the specific changes you propose to address the identified issues or problems:***

The GNSO Council requests that the SCI make a recommendation on whether Sections 2.2(b), (f) and (g) of the GNSO Operating Procedures should be clarified or amended to address the problems described above, and whether either a time table for nominations and election of a GNSO Chair or a modality for setting a time table should be included. If they decide that any modifications or additions are necessary, they should submit language for the recommended changes to the Operating Procedures.

8. *Provide any additional suggestion for making the rules/processes easier to administer:*

None