

09 October 2015

To: Jonathan Robinson, GNSO Council Chair  
From: Standing Committee on Improvements Implementation (SCI)

Dear Jonathan,

On 05 March 2015 the Standing Committee on Improvements Implementation (SCI) submitted to the GNSO Council a Review Request (see attached) concerning the fact that there are currently no formal procedures on (i) whether, how and by whom a properly submitted motion is to be seconded, and (ii) treatment of proposed amendments to such motions as either “friendly” or “unfriendly”. The Review Request was one of two that the Council approved at its meeting on 16 April 2015. The second Review Request concerned the issue of whether the waiver of the 10-day deadline for the submission of motions can be applied to resubmitted motions. The SCI recommendations concerning that request are addressed via a separate letter to you.

In the attached Review Request the GNSO Council asks that the SCI codify the existing customary practices of the GNSO Council. If the SCI believes that the current practices are inappropriate, the SCI should convey its reasons for such belief to the Council and develop new processes to govern the seconding of motions and amendments to motions.

The SCI has consulted with current and past GNSO Council members as well as staff and has compiled the attached Current Practice in Relation to Motions for GNSO Council consideration.

We would like for Council to review the attached Current Practice draft for accuracy and to respond to SCI with any edits applicable to the existing practice before we begin the second phase of our work evaluating the current practice and developing new processes if needed. Thank you in advance for your input.

Best regards,  
Anne and Rudi

A handwritten signature in black ink that reads "Anne and Rudi". The word "Anne" is written in a cursive script, followed by the word "and" in a smaller, simpler font, and then the word "Rudi" in a larger, more elaborate cursive script.

Anne Aikman-Scalese, SCI Chair  
Rudi Vansnick, SCI Vice-Chair

Attachments:

1. Review Request
2. Documentation of the Current Practice in Relation to Motions

**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:*** Jonathan Robinson (GNSO Chair) and Avri Doria (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 Section 4.3 (Motions & Voting)
5. ***Describe how the rule or process is currently used. In particular, please indicate whether 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:***

Although there is currently a rule regarding the deadline for timely submission of motions for voting by the GNSO Council (see Section 3.3 of the Operating Procedures), there is none regarding: (i) whether, how and by whom a properly submitted motion is to be seconded, and (ii) treatment of proposed amendments to such motions as either “friendly” or “unfriendly”. These have been supported by Council practice to date as opposed to operating procedural rules. The current Council practice is as follows:

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Step 1: A motion is submitted to the GNSO Council by a current GNSO Council member via the Council mailing list. The proposer may expressly request that the motion be seconded by another GNSO Council member.

Step 2: A different GNSO Council member seconds the submitted motion.

Step 3: If submitted in time for the next Council meeting, the motion is placed on the Council's meeting agenda and published on the motions page of the Council wiki space<sup>1</sup>.

Step 4: The motion is discussed at the Council meeting. The motion proceeds to a vote<sup>2</sup> only if it has been seconded by a GNSO Council member (other than the proposer) prior to the vote being called.

### **Additional Steps When a Proposed Amendment is Submitted:**

- A GNSO Council member may submit a proposed amendment to the submitted motion at any time prior to the vote being called
  - The proposed amendment is incorporated into the motion to be voted on only if both the proposer and seconder of the original motion accept the proposal as a friendly amendment
  - If the amendment is not accepted as friendly by either the proposer or seconder, the Council first votes on whether to accept the proposed amendment (threshold: simple majority)
  - If the Council vote is affirmative, the motion as amended is then voted on by the Council in accordance with the GNSO Operating Procedures
  - If the Council vote falls below the simple majority threshold, the proposed amendment is not incorporated into the original motion, and the Council proceeds to vote on the original motion
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6. ***Describe the issue(s) or problem(s) with the current rule or process:*** At present, none of the above-described practices are included in the Operating Procedures, and new Councilors and staff rely on the knowledge and memories of more experienced participants to learn and apply these practices, leading to a risk of inconsistency and knowledge gaps.
7. ***Describe the specific changes you propose to address the identified issues or problems:***

The GNSO Council requests that the SCI codifies the existing customary practices of the GNSO Council (as described above). If the SCI believes that the current practices are inappropriate, the SCI should convey its reasons for such belief to the Council and develop new processes to govern the seconding of motions and amendments to motions.

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<sup>1</sup> Note that because the Council's practice permits a motion to be seconded up to the point just before a vote is called, the motion as proposed can be published and placed on the meeting agenda without it first being seconded.

<sup>2</sup> See the following section for a further description of the actual motion that is voted on when an amendment to the original text is proposed.

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The GNSO Council suggests that in carrying out this task the SCI consult past GNSO Chairs and Councilors as well as commonly accepted guides and practices (such as Robert’s Rules of Order) and other ICANN bodies (such as the Board and other SO/ACs).

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

None

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### **DRAFT 08 OCTOBER 2015: Current GNSO Council Practice in relation to motions, seconder and amendments**

Step 1: A motion is submitted to the GNSO Council by a current GNSO Council member via the Council mailing list. The proposer may expressly request that the motion be seconded by another GNSO Council member.

Step 2: A different GNSO Council member seconds the submitted motion, either in response to the proposer's request or to a call for a seconder by the GNSO Chair or Secretariat. The motion may be seconded up until a vote takes place during a Council meeting and there is no limit to the number of seconds.

Step 3: If submitted in time for the next Council meeting, the motion is automatically placed on the Council's meeting agenda and published on the motions page of the Council wiki space, identifying the proposer and seconder (if available)<sup>3</sup>.

Step 4: The motion is discussed at the Council meeting. The motion proceeds to a vote<sup>4</sup> only if it has been seconded by a GNSO Council member (other than the proposer) prior to the vote being called.

#### **Additional Steps When a Proposed Amendment is Submitted:**

- Any GNSO Council member may submit a proposed amendment to the submitted motion at any time prior to the vote being called;
- The proposed amendment is incorporated into the motion to be voted on only if both the proposer and seconder of the original motion accept the proposal as a friendly amendment (where there is not yet a seconder, only the proposer needs to accept the proposal as friendly);
- If the amendment is not accepted as friendly by either the proposer or seconder, the Council first votes on whether to accept the proposed amendment (threshold: simple majority);
- If the Council vote is affirmative, the motion as amended is then voted on by the Council in accordance with the GNSO Operating Procedures;
- If the Council vote falls below the simple majority threshold, the proposed amendment is not incorporated into the original motion, and the Council proceeds to vote on the original motion.

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<sup>3</sup> Note that because the Council's practice permits a motion to be seconded up to the point just before a vote is called, the motion as proposed can be published and placed on the meeting agenda without it first being seconded.

<sup>4</sup> See the following section for a further description of the actual motion that is voted on when an amendment to the original text is proposed.