CCWG-Accountability Draft content for Second Public Comment Report

Version 1 – 10 July 2015

5.3 Power: reconsider/reject changes to ICANN "standard" Bylaws

This Section applies to "standard" bylaws – all those bylaws that are not Fundamental Bylaws   (see 5.4 below).

ICANN's Bylaws set out many of the details for how power is exercised in ICANN, including   by setting out the company's Mission, Commitments and Core Values. Changes to those Bylaws are generally the right of the Board. It is possible for the Board to make bylaws changes that the community does not support. For example, the Board could unilaterally change the ccNSO's Policy Development Policy, or the SG structure of the GNSO, or the composition of the Nominating Committee.

This power would give the Member SOs/ACs (with input from the larger community) the right to reject proposed Bylaws changes after they are approved by the Board (but before they come into effect). This would most likely be where a proposed change altered the Mission, Commitments and Core Values, or had a negative impact on ICANN's ability to fulfill its purpose in the community's opinion, but would be available in response to any proposed Bylaws change.

The time required for this power to be exercised would be included in the Bylaws adoption process (probably a ~~two-week~~ [TBC] window following Board approval). If the community exercises this power, the Board would have to absorb the feedback, make adjustments, and propose a new set of amendments to the Bylaws.

It would require a 2/3~~3/4~~ level of support in the community mechanism to reject a proposed Bylaw change. Note that for the Board to propose a Bylaws change requires a 2/3 vote in favor.

This power does not allow the community to re-write a proposed Bylaw change: it is a rejection process where the Board gets a clear signal the community is not happy. For a particular set of standard bylaws changes proposed, the community is able to reject the changes up to twice, and There is no limit to the number of times a proposed change can be rejected, but the threshold for sending one back is a supermajority in the community mechanism set out in 5.1 above, to limit any potential for abuse of this power.

QUESTIONS AND OPEN ISSUES: