

5B) Community Powers

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NOTE: The framework for our second Public Comment Report separates the community powers into its own section, which will be placed after the section that sets out the Community Mechanism.

This new section needs an **introduction**, which is what this paper shares as a first draft. By including the description of the **process** for exercising the community powers in this part, I hope we can make each sub-section for each power shorter.

Introduction

In our first Public Comment Report, the CCWG-Accountability set out five proposed Community Powers that would grant the community the ability to:

- Reject / reconsider Board decisions on budgets, operating plans or strategic plans
- Reject /reconsider proposed changes to standard ICANN bylaws
- Co-approve changes to Fundamental Bylaws
- Remove individual ICANN directors
- Recall the entire ICANN Board

Feedback on these proposed powers was generally positive, both in the Public Comments received in response to our first report and in discussions with the ICANN community during ICANN 53 in Buenos Aires in June 2015.

In preparing this second Public Comment Report, the CCWG-Accountability has further refined these powers, with improvements made in response to the suggestions made by the community in the public comments period and in Buenos Aires.

The following sub-sections explain how the powers are exercised, and then describe all of the powers in detail except for the co-decision right for changes to Fundamental Bylaws. That fifth power is described in section **3B** of the report to keep all the details about Fundamental Bylaws in one place.

How are the community powers used?

The community powers are exercised when decisions to do so are made by the Community Mechanism described in section **5A** of this report. There are three steps involved in making use of any of the powers:

- **Petition** – to trigger the power's use

- **Discussion** – where a petition succeeds, the community discusses whether to exercise the power
- **Decision** – SOs and ACs cast their votes to decide whether the power is used or not

The only exception to this three-step process is for the power to co-approve changes to Fundamental Bylaws. There is no petitioning step in that power, since its use is automatically triggered by any proposal for changes to Fundamental Bylaws.

Petition

A window of time to allow a petition will be built into relevant ICANN processes, but will generally be a **maximum of fifteen days** from the announcement of the decision that might trigger the power's use.

To trigger the use of a community power, an SO or AC has to agree by a resolution of its governing body that the power should be used. A simple majority is sufficient to agree a petition for any power¹.

If a decision that could be subject to a community power does not attract a petition within the timeframe, it is effectively confirmed and goes into effect.

Discussion

Where a petition succeeds, the whole community through its SOs and ACs discusses the proposed use of the power, through the ICANN Community Assembly or ICA.

This discussion window lasts for **fifteen days**, starting the day after a valid petition has been received. It will include online discussion and a specific online meeting of the ICA called within the discussion window with seven days' notice.

All SOs and ACs participate in the ICA, and so there will be a mixture of formal and informal discussion, advice and consideration going on – within the ICA and informally within SOs and ACs during this period.

Decision

After the discussion window has finished, a specified time period for SOs and ACs that have voting rights in the Community Mechanism applies.

This decision window lasts for **fifteen days**, starting the day after the conclusion of the discussion window period.

The process by which SOs and ACs vote, quorum requirements and other associated matters are described in section Y of this report. The threshold of votes required to exercise a power is described alongside each power in the following sub-sections.

¹ The exception is for exercising the power to Recall the Entire ICANN Board – see the petitioning detail for this power in subsection X below.