5.3 Power: ~~reconsider/reject changes~~Reconsider/Reject Changes to ICANN "~~standard~~"Standard Bylaws"

This Section applies to "~~standard" bylaws~~Standard Bylaws" – all those ~~bylaws~~Bylaws that are not Fundamental ~~Bylaw~~Bylaws (see Section 3B)

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.~~ have been discussed in 3.B on Fundamental Bylaws.

It is possible for the Board to ~~make bylaws changes~~amend Standard Bylaws in ways that the community ~~does~~may 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~~Therefore, this power would give the ~~Member~~ SOs/ACs who participate in the Community Mechanism as Sole Member (with input from the larger community) the right to reject proposed ~~Bylaws~~ changes to Standard Bylaws 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~~ This power would be available in response to any proposed change to Standard Bylaws ~~change~~.

The time required for this power to be exercised would be included in the Bylaws adoption process (during a [15/30] calendar day window) following Board approval. If the community ~~exercises this power,~~elected to exercise this power – through a petition calling for vote of participating SOs/ACs through the Community Mechanism as Sole Member --, the Board would have to absorb the feedback, make adjustments, and propose a new set of amendments to the Bylaws. Before the process to reject changes to the Standard Bylaws, we expect there will be a public comment period (standard is ~~40days~~40 days) for the community to provide feedback to the proposed changes. Therefore, the [15/30] calendar day window is not the only opportunity for the community to provide input for changes to the Standard Bylaws.

Comment [1]: Deleted language is confusing; already addressed in section on Fundamental Bylaws

It would require a 2/3 level of support in the ~~community mechanism~~Community Mechanism to reject a ~~proposed~~ Bylaw change~~.~~ proposed by the Board. Note that for the Board to propose a Bylaws ~~change requires a~~ amendment, two-thirds (2/3) of the Board must vote in favor of the change.

This power does not allow the community to re-write a Board-proposed Bylaw change: it is a rejection process where the Board gets a clear signal that the ICANN community is not ~~happy~~supportive. 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~~Community Mechanism set out in 5.1 above, to limit any potential for abuse of this power by a small number of SOs/ACs. ~~Furthermore, this power also does not suggest the community to propose changes in the Bylaws; its power is restricted to rejections of the proposed changes.~~ The ~~maximum~~ impact of this power ~~can give~~ is to keep ICANN ~~to continue~~ operating under the existing Bylaws despite ~~the changes~~changes proposed by the Board unless the community by inaction in response to a proposed amendment does not object.

Comment [2]: Note that the Sole Member would have the statutory authority to amend Bylaws under California law, without Board approval. The Bylaws could impose an extremely high threshold, up to requiring unanimity among the votes of the SOs and ACs, for exercise of this power.