

## Final Proposed Agenda 21 October 2020 - Part 2

Please note that **all documents** referenced **in the agenda have been gathered on a Wiki page for convenience and easier access**: <https://community.icann.org/x/OAebC>

This agenda was established according to the [GNSO Operating Procedures](#) v3.5 updated on 24 October 2019

For convenience:

- An excerpt of the ICANN Bylaws defining the voting thresholds is provided in Appendix 1 at the end of this agenda.
- An excerpt from the Council Operating Procedures defining the absentee voting procedures is provided in Appendix 2 at the end of this agenda.

GNSO Council meeting held 15:15 CET (Hamburg time)

Coordinated Universal Time: 13:15 UTC: <https://tinyurl.com/yyor7bfj>

06:15 Los Angeles; 09:15 Washington; 14:15 London; 16:15 Moscow; 22:15 Tokyo; (Thursday 22 October) 00:15 Melbourne

GNSO Council Meeting Remote Participation: Not available until 24 hours before.

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### Item 1. Seating of the 2020 / 2021 Council (20 mins)

1.1 - Roll Call

1.2 - Statements of Interest

INCOMING COUNCILORS:

Kurt Pritz - [SOI](#) Registries Stakeholder Group

Kristian Ørmen - [SOI](#) Registrars Stakeholder Group

Mark Datysgeld - [SOI](#) Business Constituency

Stephanie Perrin - [SOI](#) Non-Commercial Stakeholder Group

Wisdom Donkor - [SOI](#) Non-Commercial Stakeholder Group

Tomslin Samme-Nlar - [SOI](#) Non-Commercial Stakeholder Group

Juan Manuel Rojas - [SOI](#) Non-Commercial Stakeholder Group

Olga Cavall - [SOI](#) - Non-Voting NomCom Appointee

Jeffrey Neuman - [SOI](#) - GNSO Council Liaison to the GAC

*Thank you again to outgoing Councilors: Elsa Saade, Erika Mann, James Gannon, Julf Helsingius, Keith Drazek, Michele Neylon, Rafik Dammak and Scott McCormick.*

1.3 - Review / Amend Agenda

### **Item 2. Election of the Chair (20 mins)**

One nomination was received for this position from Philippe Fouquart of the Non Contracted Party House. The GNSO reviewed the [candidate statement](#) and held a question & answer session with the candidate on 24 September 2020. Here the GNSO Council will proceed to hold the election for its Chair for 2020-2021, according to the GNSO Operating Procedures (note Section 2.2 of the GNSO Operating Procedures on Officer Elections: Chair and Vice-Chairs (see Appendix 1 below)).

### **Item 3. Any Other Business (5 min)**

3.1 - Confirmation of Vice Chairs

3.2 - Reminder that the GNSO Chair is the interim representative to the Empowered Community Administration

### **Appendix 1: Excerpt from GNSO Operating Procedures (Section 2.2)**

## **2.2 <https://gns0.icann.org/en/council/op-procedures-01sep16-en.pdf>**

### **Officer Elections: Chair and Vice-Chairs**

The GNSO Council shall select the GNSO Chair and two Vice-Chairs as follows:

1. The GNSO Chair shall be elected by a 60 percent vote of each house.
2. Each house will be allowed to nominate one candidate for GNSO Council Chair. Each house is responsible for determining how to nominate its candidate. A candidate for GNSO Council Chair does not need to be a member of a house, but must be a current or incoming member of the GNSO Council. Should a Chair be elected from outside of the houses that Chair will be a non-voting Chair.
1. All ballots will include the “none of the above” option. In the event that a 60 percent vote of each house selects the “none of the above” option, each house will commence a new nomination period of not longer than 15 days. An election for the new nominees will be scheduled for no sooner than 30 days after the unsuccessful vote.
2. In the case of a tie for the most votes between the two candidates, or between a candidate and “none of the above,” a second election will be held no sooner than 30 days. The candidates shall remain the same for this second election. In the case this second election also results in a tie, each house will commence a new nomination period of not longer than 15 days. An election for the new nominees will be rescheduled for no sooner than 30 days after the unsuccessful vote.
3. The leading candidate will be defined as the one with the highest score. The score is calculated by adding together the voting percentages attained from each house. The highest percentage attainable in each house is 100. Thus, the maximum score a candidate can achieve is 200 as a result of attaining 100 percent of the votes from the contracted party house and 100 percent from the non-contracted party house (100 percent + 100 percent = score of 200). In case neither candidate reaches the 60 percent of each house threshold, a second ballot will be held between the leading candidate and “none of the above.”
4. In case neither candidate reaches the 60 percent of each house threshold and the candidates do not tie, a second runoff ballot will be held between the leading candidate and “none of the above.”
5. If the single candidate does not reach the 60 percent of each house threshold in the runoff ballot, then each house will commence a new nomination period of not longer than 15 days. An election for the new nominees will be rescheduled for no sooner than 30 days after the unsuccessful runoff ballot.

- Each house shall select a Council Vice-Chair from within its respective house.
- A Chair may not be a member of the same Stakeholder Group of either of the Vice-Chairs.
- The Chair and Vice-Chairs shall retain their votes (if any) in their respective houses (if any).
- In the event that the GNSO Council has not elected a GNSO Council Chair by the end of the previous Chair's term, the Vice-Chairs will serve as Interim GNSO Co-Chairs to jointly oversee the new Chair election and conduct Council business until a successful election can be held. In the event that one or both Vice-Chairs' terms ends concurrently with the term of the previous Chair, the procedures described in Section 2.2.1 below shall apply.
- The Council shall 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.

## **Appendix 2: GNSO Council Voting Thresholds (ICANN Bylaws, Article 11, Section 3)**

(i) Except as otherwise specified in these Bylaws, Annex A, Annex A-1 or Annex A-2 hereto, or the GNSO Operating Procedures, the default threshold to pass a GNSO Council motion or other voting action requires a simple majority vote of each House. The voting thresholds described below shall apply to the following GNSO actions:

(i) Create an Issues Report: requires an affirmative vote of more than one-fourth (1/4) vote of each House or majority of one House.

(ii) Initiate a Policy Development Process ("**PDP**") Within Scope (as described in Annex A): requires an affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House.

(iii) Initiate a PDP Not Within Scope: requires an affirmative vote of GNSO Supermajority (as defined in Section 11.3(i)(xix)).

(iv) Approve a PDP Team Charter for a PDP Within Scope: requires an affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House.

(v) Approve a PDP Team Charter for a PDP Not Within Scope: requires an affirmative vote of a GNSO Supermajority.

(vi) Changes to an Approved PDP Team Charter: For any PDP Team Charter approved under (iv) or (v) above, the GNSO Council may approve an amendment to the Charter through a simple majority vote of each House.

(vii) Terminate a PDP: Once initiated, and prior to the publication of a Final Report, the GNSO Council may terminate a PDP only for significant cause, upon a motion that passes with a GNSO Supermajority Vote in favor of termination.

(viii) Approve a PDP Recommendation Without a GNSO Supermajority: requires an affirmative vote of a majority of each House and further requires that one GNSO Council member representative of at least 3 of the 4 Stakeholder Groups supports the Recommendation.

(ix) Approve a PDP Recommendation With a GNSO Supermajority: requires an affirmative vote of a GNSO Supermajority,

(x) Approve a PDP Recommendation Imposing New Obligations on Certain Contracting Parties: where an ICANN contract provision specifies that "a two-thirds vote of the council" demonstrates the presence of a consensus, the GNSO Supermajority vote threshold will have to be met or exceeded.

(xi) Modification of Approved PDP Recommendation: Prior to Final Approval by the Board, an Approved PDP Recommendation may be modified or amended by the GNSO Council with a GNSO Supermajority vote.

(xii) Initiation of an Expedited Policy Development Process ("**EPDP**"): requires an affirmative vote of a GNSO Supermajority.

(xiii) Approve an EPDP Team Charter: requires an affirmative vote of a GNSO Supermajority.

(xiv) Approval of EPDP Recommendations: requires an affirmative vote of a GNSO Supermajority.

(xv) Approve an EPDP Recommendation Imposing New Obligations on Certain Contracting Parties: where an ICANN contract provision specifies that "a two-thirds vote of the council" demonstrates the presence of a consensus, the GNSO Supermajority vote threshold will have to be met or exceeded.

(xvi) Initiation of a GNSO Guidance Process ("**GGP**"): requires an affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House.

(xvii) Rejection of Initiation of a GGP Requested by the Board: requires an affirmative vote of a GNSO Supermajority.

(xviii) Approval of GGP Recommendations: requires an affirmative vote of a GNSO Supermajority.

(xix) A "**GNSO Supermajority**" shall mean: (A) two-thirds (2/3) of the Council members of each House, or (B) three-fourths (3/4) of the Council members of one House and a majority of the Council members of the other House.

<https://gns0.icann.org/en/council/op-procedures-01sep16-en.pdf>

Appendix 1 GNSO Council Voting Results table

**Absentee Voting Procedures** <https://gns0.icann.org/en/council/op-procedures-01sep16-en.pdf>

#### **4.4 Absentee Voting**

##### 4.1.1 Applicability

Absentee voting is permitted for the following limited number of Council motions or measures.

1. Initiate a Policy Development Process (PDP);
2. Approve a PDP recommendation;
3. Recommend amendments to the GNSO Operating Procedures (GOP) or ICANN Bylaws;
4. Fill a Council position open for election.

4.1.2 Absentee ballots, when permitted, must be submitted within the announced time limit, which shall be 72 hours from the meeting's adjournment. In exceptional circumstances, announced at the time of the vote, the Chair may reduce this time to 24 hours or extend the time to 7 calendar days, provided such amendment is verbally confirmed by all Vice-Chairs present.

4.1.3 The GNSO Secretariat will administer, record, and tabulate absentee votes according to these procedures and will provide reasonable means for transmitting and authenticating absentee ballots, which could include voting by telephone, e-mail, web-based interface, or other technologies as may become available.

4.1.4 Absentee balloting does not affect quorum requirements.