Report of the Elections Review Group on

The Current Election Process

Version 3

January 2014

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Executive Summary

The Study Group has looked into the current voting procedure used by the ccNSO and has identified a number of issues that need further attention.

Firstly, the voting system itself displays several flaws, not suitable for a growing membership organisation as the ccNSO. A need for a new voting system, which can partly be handled and updated by the ccNSO members, seems inevitable.

Secondly, some inclarities in the Election guidelines were also identified, which lead to the conclusion that some updates are necessary.

Thirdly, as a there seems to be some confusion amongst the membership on what the Primary Contact is and why the Primary Contact information needs to be kept updated, the Study Group suggests that an elaborate awareness raising campaign is introduced.

The recommendations are as follows:

RECOMMENDATION 1: *The Study Group recommends that the ccNSO Council instruct the ccNSO Secretariat to look into the possibilities of developing a new voting system, which allows each member handle and update their own data and which is linked to a voting tool, making the voting easier to handle.*

RECOMMENDATION 2: *The Election Review Study Group recommends that the Council instructs the ccNSO Secretariat to update the ccNSO Council Election Guidelines with the additional wording* ***"Only ccNSO Primary or Secondary Contacts, as listed in the ccNSO Database, are eligible to nominate or second a candidate"*** *in the appropriate place.*

RECOMMENDATION 3: *The Election Review Study Group recommends that the Council instructs the ccNSO Secretariat to update the ccNSO Council Election Guidelines with the additional wording "Self-nominations or –secondings are not allowed" in the appropriate place.*

RECOMMENDATION 4: *The Study Group recommends that the ccNSO Council instructs the ccNSO Secretariat to continue work on awareness raising campaigns, when necessary.*

1 Voting System

1.1 Overview of the Current Voting System

Until June 2013 the system used for the voting process in practise was complicated and put an un-proportional burden on the Elections Manager (see Appendix A). In June 2013 the old system was superseded by a more flexible solution developed by ICANN's technical staff:
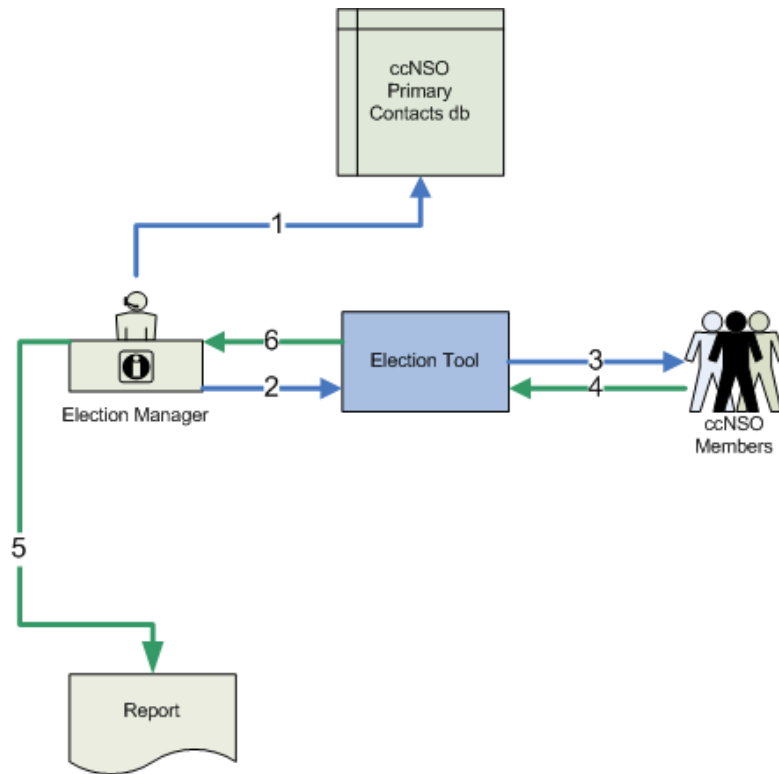
Pic. 1 – The current voting process in theory

Step 1. The appointed Election Manager consults the ccNSO Primary Contacts database to collect email addresses of the Primary Contacts eligible to vote.
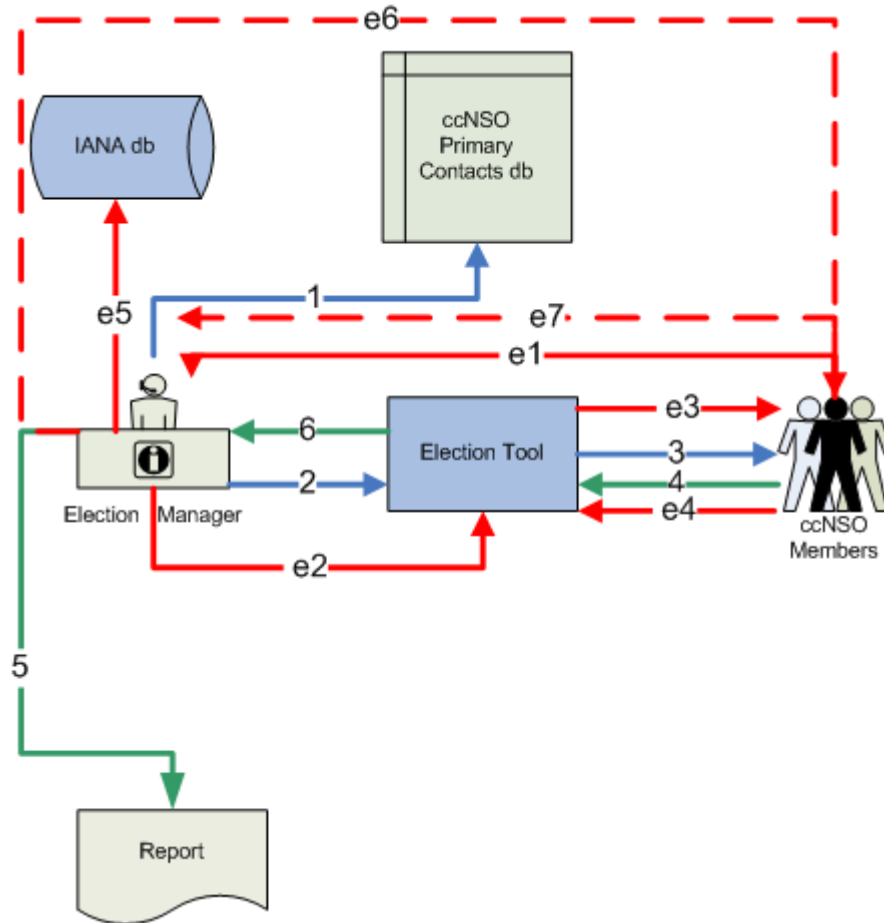
Step 2. The Election Manager creates the election in the Election Tool supported by ICANN and enters the data of the eligible voters into the Election Tool. The Election Manager creates a list of eligible voters. This list needs to be transferred manually from the current ccNSO Database into the Election Tool.

Step 3. The ballots with unique ballot numbers and links are posted by the Election Tool ("tally@tally.icann.org") to the Primary Contacts

Step 4. The Primary Contacts click on the link and vote. The Election Tool system collects responses, which can be monitored by the Election Manager. The unique numbers and their respective votes are also collected and registered in an archive, which is publicly available once the voting period has ended.

Step 5. The Elections Manager prepares a public report.

There is an obvious improvement comparing to the previous procedure[1]. However, in reality the process still is more complicated than it should be:

Pic. 2 – The current voting process in practice

As seen in the picture, there are a number of extra steps – marked *e1* to *e8*:

Extra Step 0.1: The Election Manager needs to encourage members to check who their Primary Contact is prior to elections; update database, if changes are needed.

Extra Step 1. ccNSO members do not receive, or are unable to process the email with a ballot. Sometimes these emails get caught by spam filters, or the recipient doesn't understand who the sender "tally@tally.icann.org" is, and ignores the ballot, or the primary contact has changed, but has not been updated.

Extra Step 2. The Election Manager can go into the Election Tool and re-send ballots, or change email addresses, if needed.

Extra Step 3-4. The ballot is re-sent and in a best case scenario, the vote is cast.

In cases where the primary contact has changed, steps to change it according to set rules are taken.

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[1] See Appendix A

The Extra Steps 1-4 may be repeated (and usually are repeated) for different ccTLDs.

Extra Step 5. In some cases it is necessary to consult the IANA database and ICANN's Regional Liaison's to locate a contact person for a particular Registry.

Extra Step 6. An email to a particular registry is sent manually.

Extra Step 7. An email response is received and processed manually.

The Extra steps 6-7 may be repeated (and usually are repeated) for different ccTLDs.

Despite the significant improvement the current system still is:

1) **Inefficient** – the workload is still disproportionate.

2) **Mostly manual** – requires an unreasonable amount of manual work.

3) **Confusing –** it is unclear to many voters who the sender "tally@tally.icann.org" or "tally@icann.org" is, which means that many ballots are ignored or marked as spam.

4) **Hard to scale** – the current system is not suitable for a large membership organisation. The growing number of ccNSO members creates an unnecessary administrative and organisational burden on the Election Manager.

1.2   Top Issues of the Current Voting Process

Below is a list of issues with the current voting process, in order of their priority, as identified by the Study group:

1) A common misunderstanding of the difference between the IANA database and **ccNSO Primary contacts** – many ccNSO members believe that the ccNSO uses the IANA database to contact/deal with ccTLDs. This is not so. Moreover, the Administrative Contact in the IANA database and the Primary Contact in the ccNSO database do not necessarily match. If a ccTLD changes their Administrative Contact in the IANA database, it won't be reflected in the ccNSO database. Many ccNSO members are still unaware of this, despite several "information campaigns", where the Secretariat has tried to inform the membership. The verification and change is a manual process done by the ccNSO Secretariat. There is no easy way for ccTLD managers to find out who their Primary Contact is in the ccNSO.

2) The data needs to be manually transferred between the ccNSO Database and the Voting Tool. This is not only time consuming, but can also cause human errors, despite several checks.

3) The name of the sender tally@icann.org is not meaningful and confusing to many voters.

1.3   Formal Framework of the Voting Process

The Voting procedure is described in the bylaws for ICANN. According to the bylaws there are two types of voting:

1) **Elections** - Article IX, Section 4., item 9 describes the process as following:

   a. an election by <u>written ballot</u> (which may be by e-mail)

   b. to <u>select</u> the ccNSO Council members <u>from among those nominated</u> (with seconds and acceptances)

   c. with ccNSO <u>members from the Geographic Region being entitled to vote</u> in the election <u>through their designated representatives</u>

   d. a majority of all ccNSO members in the Geographic Region entitled to vote <u>shall constitute a quorum</u>,

   e. the selected <u>candidate must receive the votes of a majority</u> of those cast by ccNSO members within the Geographic Region.

2) **Voting** - Annex B, item 13 describes the process of voting:

   a. <u>within the time designated</u> by the PDP Time Line, the ccNSO members shall be given an <u>opportunity to vote</u> on the Council Recommendation

   b. the vote of members shall be <u>electronic</u>

   c. members' votes shall be lodged <u>over such a period of time as designated</u> in the PDP Time Line (at least 21 days long)

   d. <u>two</u> possible outcomes:

      i. in the event that at least 50% of the ccNSO members lodge votes within the voting period, the resulting vote will be employed without further process

      ii. in the event that fewer than 50% of the ccNSO members lodge votes in the first round of voting, the first round will not be employed and the results of a final, second round of voting, conducted after at least thirty days notice to the ccNSO members, will be employed if at least 50% of the ccNSO members lodge votes.

   e. In the event that <u>more than 66% of the votes</u> received at the end of the voting period shall be in favor of the Council Recommendation, then the recommendation shall be conveyed to the Board

The bylaws do not give any advice on what system should be used as long as it is electronic, ensures that only the members entitled to vote cast their votes, and is clear on who votes for who/what.

The ccNSO as such is structured and governed by the Article IX of the ICANN Bylaws: *The ccNSO Council shall adopt the rules and procedures it deems necessary (Article IX Section 3.11)*. However, in order to be applicable, these rules and procedures are subject to (according to Article IX Section 3.11):

- Direction of the ccNSO Members, if any;

- Consistency with the ICANN Bylaws, in particular Article IX, ANNEX B and ANNEX C;

- Publication on the ccNSO Website.

If adopted by the ccNSO Council, the rules and procedures are applicable to the ccNSO, this includes both the members of the ccNSO and the ccNSO Council (Article IX Section 2).

The members of the ccNSO, i.e. the ccTLD managers who have applied for and have been approved as members of the ccNSO (Article IX Section 4.2), have by their approved application agreed to adhere to the rules of the ccNSO, including membership rules, for the duration of their membership (Article IX Section 4.2). The adherence to the rules by the member ceases with resignation of membership (Article IX Section 4.2).

The process is visually shown in the picture below:
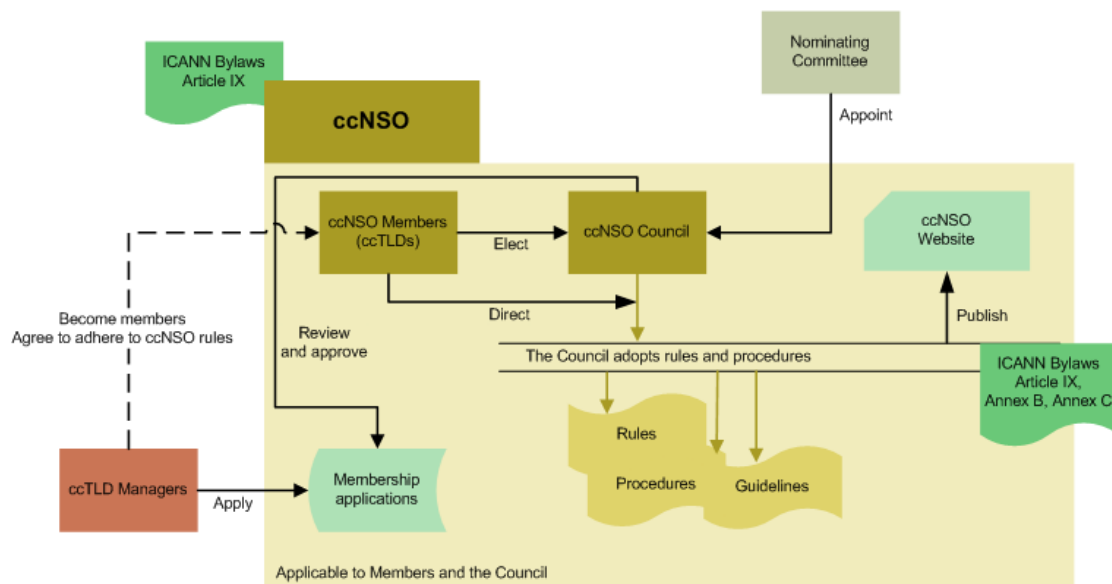
Pic. 3 – ccNSO membership: Rules and procedures

In order to change the process, the related documents must be identified and changed.

1.4   Requirements for the Voting System

If a new voting system is developed it should take into account the following aspects:

1) The system must be accessible to and used by the authorised personnel of the ccNSO members only

2) The system should/could be used to nominating and seconding candidates

3) The system should ensure:

    a. Secrecy – no one should be able to see who has voted for who, or for what. And no one should be able to cast a vote instead of another member

b. Transparency – everyone should be able to verify if their vote is counted correctly

c. Efficiency – the voting process should be easy to launch, use, manage, archive etc.

2 Possible Scenarios on how to improve the current system

2.1 No changes

One of the possible ways is to do nothing and to continue using the same system as before. However, taking into account the growing number of ccNSO members the current system won't be able to provide the required standards of quality in the near future.

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No need to do anything	Non sustainable
No expenses for development	Every voting gets more and more inefficient
No need for members to learn new system	

2.2 E-mail voting

Another solution would be to do the voting via e-mail only.

+	-
Simple and almost no investments needed	Manual process
No expenses for development	Non transparent
Easy for any member to handle	Insecure
No ballot generation required	Might get stuck in spam filters

2.3 ccManager

A completely new system to manage ccNSO Members' data and voting process could be developed and put into use. The system – let's call it ccManager – could consist of at least 5 modules:

1) **Members' Data** – a tool to check and change the Primary Contact and other data, e.g. address, phone number, email. Data from the system could be used to generate Members List on the ccNSO website.

2) **Voting** – timeframe and documents that must be voted for. The actual voting by the member eligible to vote and a mechanism to ensure that the vote was counted correctly.

3) **Elections** – timeframe and the candidates to vote for. This module could handle the entire elections process – starting from nominations and secondments and ending with published results and the archive.

4) **Administration** – this module could help the Secretariat with their daily work.

5) **Automation** – to launch and end voting processes on time, send out reminders, launch second round of voting if necessary.
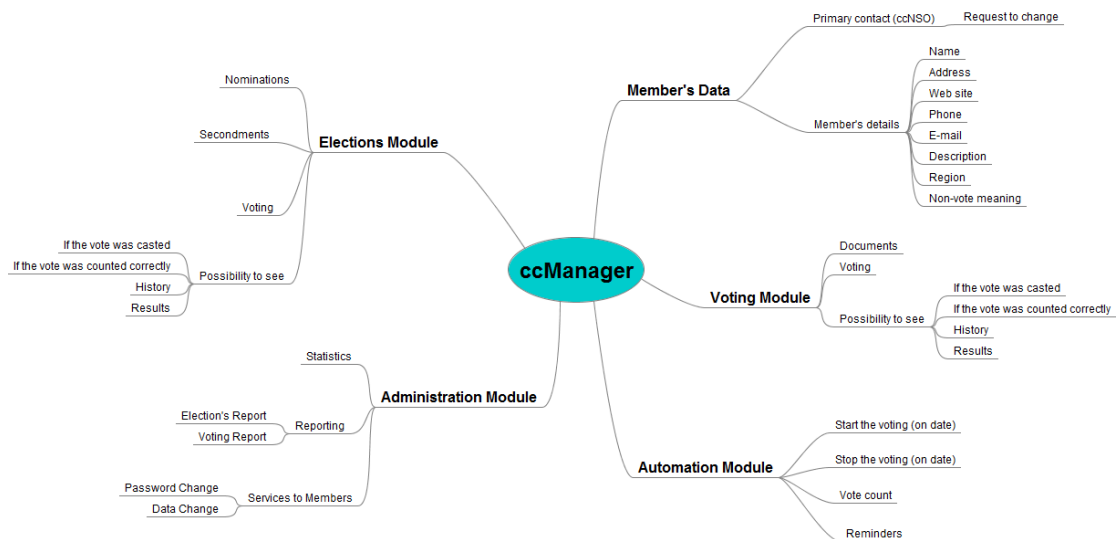
+	-
Scalable	Expensive to develop
Almost unlimited possibilities for automation	Might be hard to use for some people
Low-cost voting processes	Requires maintenance
Easy way to ensure transparency	
Easy way to archive data	
Great potential to get members involved	
Could be extended to make the work of the ccNSO more attractive to the members	

RECOMMENDATION 1: The Study Group recommends that the ccNSO Council instruct the ccNSO Secretariat to look into the possibilities of developing a new voting system, which allows each member handle and update their own data and which is linked to a voting tool, making the voting easier to handle.

3 Guidelines - ccNSO Council Election Procedure

3.1   The Current Status

The current guidelines ccNSO Council Election Procedure[2] are hard to understand and should be reviewed. Some parts must be updated and rewritten.

For example, the guidelines describe how candidates to the ccNSO Council shall be nominated:

> *4. Call for nominations*
> *According to the ICANN bylaws, ccNSO members from a Geographic Region can nominate and second a candidates for that region as a ccNSO councillor for that region. In order to nominate or second a candidate, a member must be a member of the ccNSO at the time of the call for nominations. Candidates need to be neither resident in the region nor a citizen of a country within the region in which they stand for election.*

Whilst the guidelines are clear on who can be nominated, clarification is still needed on who actually can nominate and second a candidate and whether self-nominations and seconds are allowed.

3.2   Nominations and secondings

At the moment, anyone from a registry in the relevant region can nominate and/or second a candidate. This means that any person employed by a registry, including those who are not active or known in the ccNSO community, is eligible to nominate or second their candidate.

As the call for nomination, including the address for nominations and seconding, is posted publicly, anyone could in theory send a nomination or second, claiming they are associated with a registry and leaving it up to the Election Manager to try to find out whether this is correct. At the moment, the only way to verify this, is to check that the email address match the registry email address.

A solution to this issue would be to only allow primary and secondary contacts, listed in the ccNSO Database, to nominate and second candidates.

RECOMMENDATION 2: The Election Review Study Group recommends that the Council instructs the ccNSO Secretariat to update the ccNSO Council Election Guidelines with the additional wording ***"Only ccNSO Primary or Secondary Contacts, as listed in the ccNSO Database, are eligible to nominate or second a candidate"*** in the appropriate place.

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[2] http://ccnso.icann.org/about/guidelines-ccnso-council-election-procedure-08may08en.pdf

3.3 Self-nominations or secondings

The current guidelines do not state anything about self-nominations, or –seconds. Therefore, self-nominations or seconds are allowed. However, as the practice of self-nomination or -seconds can be viewed as controversial, it would be useful to add a clear statement on this matter to the guidelines.

RECOMMENDATION 3: *The Election Review Study Group recommends that the Council instructs the ccNSO Secretariat to update the ccNSO Council Election Guidelines with the additional wording "Self-nominations or –secondings are not allowed" in the appropriate place.*

4 Awareness Raising

The Group suggests developing a set of clear and easy to understand visuals to be distributed amongst the member. The main aim of the visuals would be to explain the basics of the ccNSO.

In the future these visuals could be translated into some other languages to assist in understanding the principles of the ccNSO and give clear guidance to the members.

The first visual explaining the main idea behind the concept of the Primary Contact has been developed:

RECOMMENDATION 4: *The Study Group recommends that the ccNSO Council instructs the ccNSO Secretariat to continue work on awareness raising campaigns, when necessary.*

Appendix A: Overview of the Previous Voting System

Until June 2013 the voting system was quite straightforward:
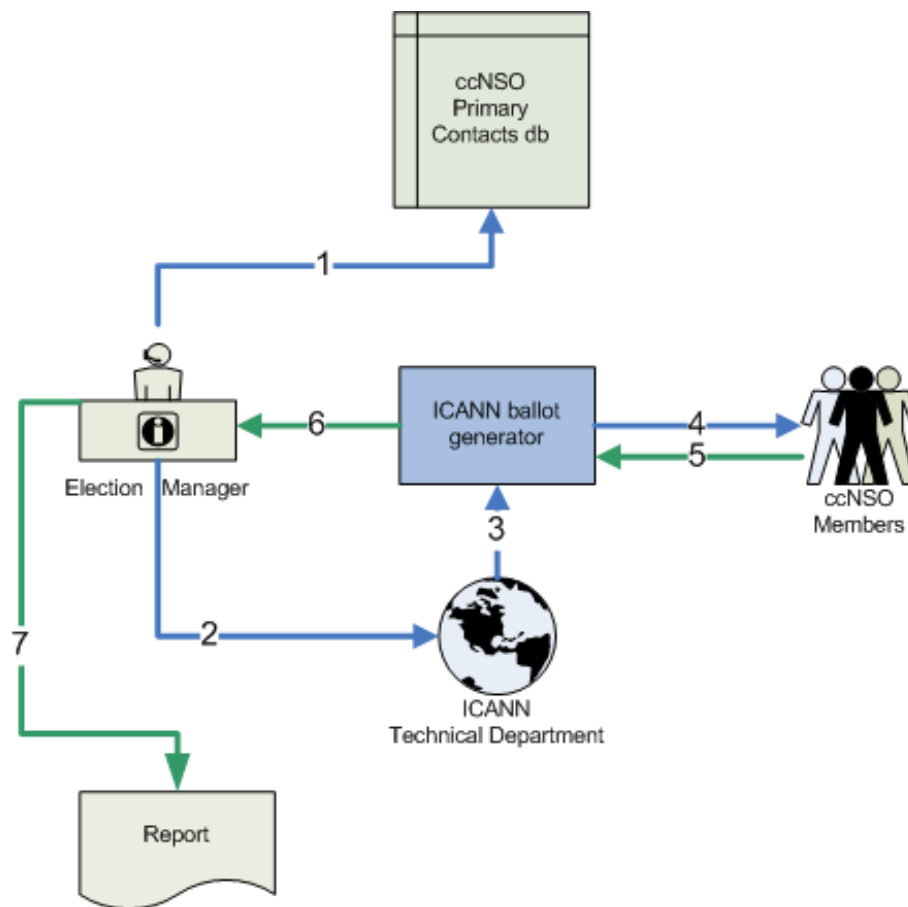
Pic. 4 – The previous voting process in theory

Step 1. The appointed Election Manager consulted the ccNSO Primary Contacts database to collect email addresses of the Primary Contacts eligible to vote.

Step 2. The Election Manager manually coded the primary contact email addresses according to a special system and then contacted ICANN's Technical Department, which upon request generated ballots, based on the pre-coded list.

Step 3. The ballots were generated by a specially dedicated person in ICANN's technical technical department.

Step 4. Emails with unique ballot numbers and links were sent to the list of Primary Contacts via email from tally@tally.icann.org.

Step 5. The Primary Contacts clicked on the link and voted, alternatively sent their votes via email.

Step 6. The ICANN system collected responses, which were then processed by the Election Manager.

Step 7. The Elections Manager prepared a public report.

However, in reality the process looked more like this:
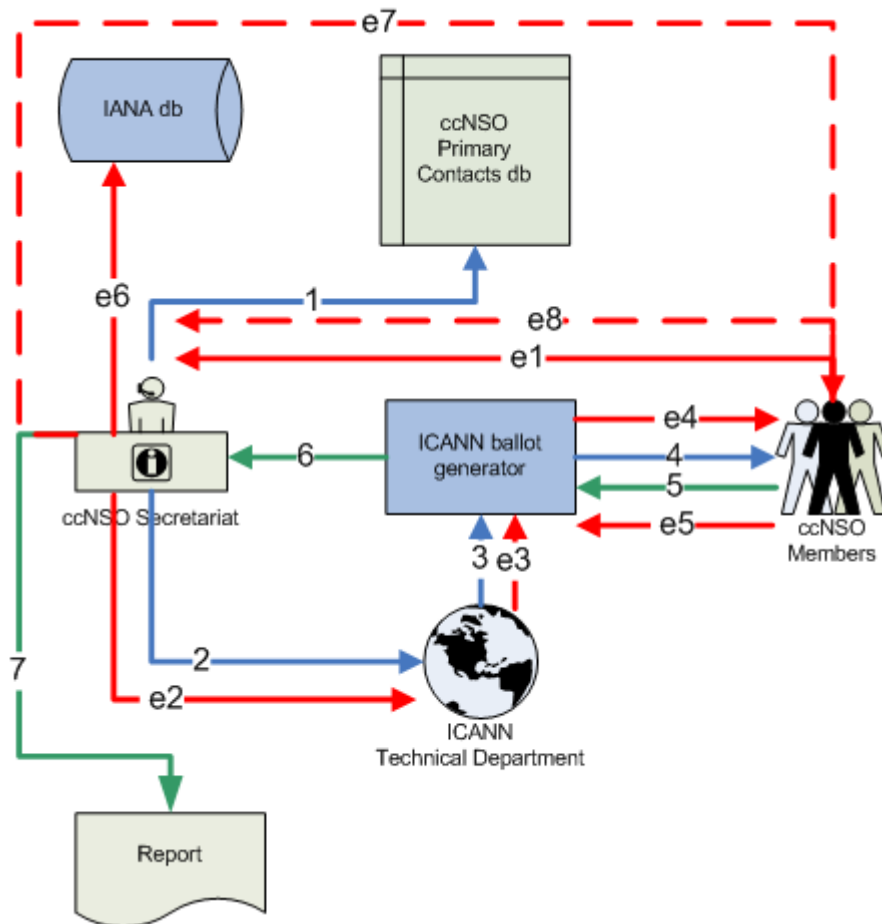
Pic. 5 – The previous voting process in practice

As seen in the picture, there were several numbers of extra steps – marked *a1* to *a8*:

Extra Step 0.1: The election manager needed to encourage members to check who their Primary Contact was prior to elections and update the database, if changes were needed.

Extra Step 1. Some ccNSO members did not receive, or were unable to process the email with a ballot. Sometimes these emails got caught by spam filters or the primary contact changed, but was not updated.

Extra Step 2. The Elections Manager asked a specially dedicated person from ICANN's Techncial Department for extra ballots to be sent to the particular ccTLD Primary Contact.

Extra Step 3-5. The ballot was re-sent and, in a best case scenario, the vote was cast.

In cases where the primary contact changed, steps to change it according to set rules were taken. If there was too little time for following the process, direct emails with the vote were accepted – if sent by the administrative contact currently listed in the IANA Database.

Extra Steps 1-5 could be repeated (and usually were repeated) for different ccTLDs.

Extra Step 6. In some cases it is necessary to consult the IANA database and ICANN's Regional Liaison's to locate a contact person for a particular Registry.

Extra Step 7. An email to a particular registry was sent manually.

Extra Step 8. An email response was received and processed manually.

Extra steps 7-8 could be repeated (and usually were repeated) for different ccTLDs.

So, it is obvious that the system was:

1) **Inefficient** – the workload was disproportionate.

2) **Mostly manual** – required an unreasonable amount of manual work

3) **Without an adequate level of transparency** – there is no way for members to ensure that their vote were been counted correctly

4) **Hard to scale** – the current system was not suitable for a large membership organisation. The growing number of ccNSO members creates an unnecessary administrative and organisational burden on the Secretariat.