

# **GNSO Operating Procedures**

## **Section 2.1: Council Member Term Limits and Definition of a “Special Circumstance”**

### **I. Background**

[Article X, Section 3\(2\)](#) of the Bylaws prescribes term limits for GNSO Councilors. This section also provides for a “special circumstance” that can extend a Council member’s term limit, as follows:

“Except in a ‘special circumstance,’ such as, but not limited to, meeting geographic or other diversity requirements defined in the Stakeholder Group charters, where no alternative representative is available to serve, no Council member may be selected to serve more than two consecutive terms, in such a special circumstance a Council member may serve one additional term. For these purposes, a person selected to fill a vacancy in a term shall not be deemed to have served that term. A former Council member who has served two consecutive terms must remain out of office for one full term prior to serving any subsequent term as Council member. A ‘special circumstance’ is defined in the GNSO Operating Procedures.”

### **II. Current Section 2.1 in the GNSO Operating Procedures**

The latest approved version<sup>1</sup> of the GNSO Operating Procedures includes Section 2.1 (below), which contains a placeholder for this “special circumstance” requirement.

#### **2.1 GNSO Council Member Term Limits**

The ICANN Bylaws {Article X, Section 3(2)} specify term limits for GNSO Council Representatives except under a “Special Circumstance” that is to be defined in the GNSO Operating Procedures<sup>2</sup>.

### **III. Proposed Section 2.1**

The GCOT has approved the following replacement for Section 2.1 to fulfill the requirement of the GNSO Operating Procedures to specify a “special circumstance” pertaining to term limits.

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<sup>1</sup> Council approved the latest version on 28 January 2010 (version 1.2)

<sup>2</sup> Note: this sub-section will outline the conditions and methods for approving when a “special circumstance” exists that would permit a GNSO Councilor to serve one additional term beyond the Bylaws limit.

## **2.1 GNSO Council Member Term Limits**

The ICANN Bylaws { Article X, Section 3(2) } specify term limits for GNSO Council Representatives except under a “Special Circumstance,” which is defined within these procedures as follows:

2.1.1 A Special Circumstance may arise under the following conditions:

- a) a Stakeholder Group, as appropriate, is unable to meet a geographic/diversity requirement specified in its Charter; and
- b) after a reasonable search, including but not limited to publicizing the position among ICANN’s other Supporting Organizations and Advisory Committees, no other qualified candidate is available to serve as its Council representative.

If both conditions above are present, the applicable Stakeholder Group may petition the Council to allow its designated representative to serve a third consecutive term. Approval requires greater than 60% affirmative vote in each House and does not require the abstention of the affected Council member.

2.1.2 If a Stakeholder Group wishes to have one of its Council members serve a third consecutive term under circumstances other than as provided in 2.1.1 above, it shall document the details and provide its rationale to the GNSO Secretariat who will disseminate to the Council for consideration. The Council may elect to apply a Special Circumstance, at its discretion, and such action will require greater than 75% affirmative vote in each House without requiring the abstention of any member.

2.1.3 In the event that a Council member is approved to and serves a third consecutive term, or any portion thereof, he/she must remain out of office for one full term before being eligible to serve a subsequent term as a Council member.

**\*\*END\*\***