

# GNSO Operating Procedures

## Chapter 3.0: GNSO Council Meetings

Except as provided elsewhere in these procedures, the GNSO Council shall act at meetings.

### 3.1 Meeting Facilities

Provided that all members participating in such a meeting can communicate with one another, members of the GNSO Council may participate in a meeting of the GNSO Council through use of (i) conference telephone or similar communications equipment; or (ii) electronic video screen communication or other communication equipment; provided that (a) all members are provided the means of fully participating in all matters before the GNSO Council, and (b) ICANN adopts and implements means of verifying that a person participating in such a meeting is a member of the GNSO Council or other person entitled to participate in the meeting and all actions of, or votes by, the GNSO Council are taken or cast only by the members of the GNSO Council and not persons who are not members.

### 3.2 Open vs. Closed Sessions

Except where determined by a majority vote of members of each house of the GNSO Council present that a closed session is appropriate, in-person meetings shall be open to physical or electronic attendance by all interested persons dependent upon space availability. Recordings of meetings will be made publicly available for any meetings not open to all interested parties. In cases where a closed session is deemed appropriate, the reason for such a closed session as well as the result of the vote will be published in the minutes. Votes in closed sessions shall be taken by a polling of the members.

### 3.3 Notice of Meetings

Advance notice of meetings shall be posted on the GNSO website, if reasonably practicable, at least 7 days in advance of the meeting for Administrative issues and 14 days in advance for Policy issues. Advance notice shall also be posted to other GNSO Council work spaces where practical.

Reports and motions should be submitted to the GNSO Council for inclusion on the agenda as soon as possible, but no later than 8 business days before the GNSO Council meeting.

The time of the meetings may vary to accommodate the different geographic regions represented by GNSO Council members. By way of guidance, start times corresponding to local times for the GNSO Council members earlier than 0600 and later than 2300 should be avoided where possible.

### 3.4 Meeting Schedules

The GNSO Chair and GNSO Council will prepare a 12-month schedule of meetings within 30 days following the ICANN annual meeting. GNSO Council members may request changes to the schedule

during the year, which may be agreed upon by the Chair in consultation with the Council, subject to the minimum period of notice below.

### **3.5 Procedure to Produce the Minutes**

Within 8 working days of a GNSO Council meeting, the GNSO Secretariat will forward draft summary to the GNSO Chair and Vice-Chairs.

Within 10 days of the meeting, the Chair and Vice-Chairs will edit the draft and request the Secretariat to circulate the draft summary to GNSO Council members for comment and approval. All comments received will be accepted for inclusion into the draft minutes unless there are objections. If no objections are received within 10 days, the minutes will be deemed to have been approved for posting.

All comments received from GNSO Council members will be incorporated in the summary unless there are objections from other GNSO Council members.

Where there are objections, the Chair will attempt to resolve the issue (by reference to the audio transcript, if any) and secure agreement from the relevant GNSO Council members. If agreement is not achieved, the Chair will determine the final version of the minutes and will note areas in which agreement has not been achieved

Disputes: If any GNSO Council member disputes what he or she has said in the resulting draft minutes, the recording and/or transcript of the meeting should be reviewed before minutes are approved.

The Chair will ensure the above procedure is complete and an approved version of the summary is circulated and made public within 21 days of the relevant meeting.

All minutes of meetings of the GNSO (and any working groups thereof) shall be approved promptly by the originating body. No later than the business day after the date on which they are approved by the Council, the minutes shall be made publicly available on the Website.

### **3.6 Speaking at Meetings**

Both at physical and telephone meetings the GNSO Chair will recognize three types of intervention in the following order of priority:

1. A point of order
2. A point of information
3. A normal substantive intervention

#### **3.6.1 Points of Order**

At a physical meeting, a GNSO Council member may raise a hand or, during a teleconference, a GNSO Council member may speak over the dialogue and say immediately "point of order." A point of order is raised when there is an infraction of the GNSO Operating Procedures or improper decorum in speaking. The point of order must be raised as soon as possible after the error occurs. The Chair will suspend discussion to hear the point.

### 3.6.2 Points of Information and Normal Substantive Interventions

At a physical meeting, a GNSO Council member may raise a hand and wait to be recognized by the Chair and, during a teleconference, a GNSO Council member may speak in an appropriate gap and say immediately "[state name] to speak". This will be noted by the Chair who will invite the intervention in due course. To ensure balance, the GNSO Council Chair has the discretion to delay an intervention by a frequent speaker to allow others to speak. By way of guidance for the Chair, a GNSO Council member is not expected to speak for more than three minutes at a time and the Chair should solicit the views of other GNSO Council members before returning to the same speaker on any one issue. This guidance should not be construed as limiting the Council from substantive discussion on any one issue. The GNSO Council Chair's discretion to delay an intervention should not be exercised for a "point of information". A "point of information" is for GNSO Council members seeking information from the Chair or other GNSO Council members about meaning or procedure - it is specifically not intended to provide information.

### 3.7 Seating and Visibility

As possible, during in-person meetings, the GNSO Council Chair and Vice-Chairs should be located so they can observe all GNSO Council members.

### 3.8 Absences and Vacancies

#### 3.8.1 Incidental Absence

i. GNSO Councilors are expected to attend all regularly scheduled Council meetings and be present at the time such sessions are called to order. Absences may be **planned** (due to a conflicting personal or professional obligation that cannot be reasonably altered) or **unplanned** (e.g. sudden illness, accident, injury, or other unanticipated event). In either case (including being late) the Councilor is expected to notify the GNSO Secretariat by e-mail or telephone as soon as practicable before the meeting begins.

ii. Whenever possible, a Councilor is expected to vote on such motions as may come before the GNSO Council using the means provided in Section 4.4 (Absentee Voting). If the vote is outside of the scope of 4.4.1 then the Council member may opt for Section 4.6 (Proxy Voting).

As covered in Section 4.5.1, GNSO Council members are expected to attend all regularly scheduled Council meetings and be present at the time such sessions are called to order.

a. **Planned Absence:** It is understood that, from time to time, it may be necessary for a GNSO Council member to miss a scheduled meeting due to a conflicting personal or professional obligation or other planned event that cannot be reasonably altered.

i. When a Councilor anticipates being absent or late for a Council meeting, the Councilor is expected to notify (e.g. telephone, e-mail) the GNSO Secretariat as soon as practicable before the meeting begins.

i. A Councilor is expected to vote on such motions as may come before the GNSO Council using the alternative means provided in Section 4.4 Absentee Voting, if applicable. If circumstances will not permit voting using the alternative means available, the

~~Councilor may declare an intention to abstain on those motions that are scheduled to be voted upon during the GNSO Council meeting at which the Councilor expects to be absent. In such an instance, the procedures in [Section 4.5 Abstentions](#) will apply.~~

~~a. Unplanned Absence: Occasionally, it will be necessary for a GNSO Council member to miss a regularly scheduled meeting due to sudden illness, accident, injury, or other unforeseen event that cannot reasonably be anticipated.~~

~~i. Even though this category of absence occurs without advanced notice, a Councilor is expected to communicate the circumstances of the absence (e.g. telephone, e-mail) to the GNSO Secretariat as soon as practicable after the incident occurs.~~

~~i. A Councilor is expected to vote on such motions as may come before the GNSO Council using the alternative means provided in [Section 4.4 Absentee Voting](#), if applicable. If circumstances will not permit voting using the alternative means available, the record shall be noted “Absent” and a vote will not be cast.~~

### 3.8.2 Leave of Absence

- a. Planned: If a GNSO Council member anticipates being unable to attend two or more regularly-scheduled GNSO Council meetings consecutively, the Councilor shall notify the appointing organization or, for a House NCA, the Nominating Committee and the GNSO Secretariat that a “Leave of Absence” is being requested at which time the remedy described in [Paragraph 3.8.4](#) is available.
- b. Unplanned: When a GNSO Council member fails to attend two regularly-scheduled GNSO Council meetings consecutively without prior notification to the GNSO Secretariat, the GNSO Secretariat will advise the appointing organization or, for a House NCA, the Nominating Committee that the Councilor has satisfied the conditions for an effective “Leave of Absence” at which time the remedy described in [Paragraph 3.8.4](#) is available.

### 3.8.3 Vacancies

- a. In the event of a GNSO Council member resignation or other permanent vacancy, the Bylaws call for replacement according [Article X, Section 3\(3\)](#).
- b. During any transition period following the occurrence of the permanent vacancy, but before a new election or appointment and subsequent seating of the replacement Councilor, the remedy in [Paragraph 3.8.4](#) is available.

### 3.8.4 Remedy: Temporary Alternate

- a. For a Councilor who is not appointed by the Nominating Committee, the appointing organization may, at its discretion, name a Temporary Alternate to serve in the absent or vacant Councilor’s seat.
- b. For a voting NCA, the Council non-voting NCA is immediately activated to serve as a Temporary Alternate subject to provisions in [Paragraph 4.5.3-eParagraph 4.7](#). The communication required pursuant to [Paragraph 4.85.4-b](#), if it cannot be submitted by the voting NCA, will be completed and forwarded by the non-Voting NCA.

- c. A named Temporary Alternate pursuant to this section is subject to the applicable provisions in ~~Paragraphs 4.5.3 e~~Paragraphs 4.7 and 4.85.4-b except that the communication to the GNSO Secretariat should be amended as follows:
  - i. the reason or condition leading to the remedy is either “Leave of Absence” or “Vacancy,” as applicable; and
  - ii. the measures/motions/votes upon which the Temporary Alternate may engage are not constrained, as in other remedies (see [Section 4.5](#)), and may be noted as “All Subjects Permitted.”
- d. A named Temporary Alternate pursuant to this section will be expected to participate in all matters that would otherwise have occupied the attention of the absent Councilor.

3.8.5 Any occurrence of absence or vacancy that is not declared in advance, as provided in this section, will be recorded as “Absent” and such action will not reduce the denominator in any vote tabulation for the affected House.

## **Chapter 4.0: Voting**

### **4.1 Quorum**

In order for the GNSO Council to initiate a vote, a quorum must be present. A quorum is a majority of voting members in each House, which must include at least one member of each Stakeholder Group.

### **4.2 Voting Thresholds**

Unless otherwise specified in these procedures or in the ICANN Bylaws, to pass a motion or other action, greater than 50% of the eligible voters in each House must cast affirmative votes. For all votes taken, the number of eligible voters in each House shall be fixed to the number of seats allocated in the Bylaws (a.k.a. the denominator) and is not affected by the number of members present or absent at the meeting in which the motion or other action is initiated. For rules and procedures concerning abstentions and their impact on voting thresholds, refer to [Section 4.5](#) below.

### **4.3 Motions and Votes**

4.3.1 Eligibility: All actions of, or votes by, the GNSO Council are taken or cast only by the members of the GNSO Council. Except as otherwise provided in these procedures, persons who are not Council members may not vote. Acts by the GNSO Council members present at any meeting at which there is a quorum shall be acts of the GNSO Council unless otherwise provided herein.

4.3.2 For each motion or action of the GNSO Council requiring a vote, Councilors may enter either a “No”, “Yes, or “Abstain.” For a vote of “Abstain,” a reason or explanation is required. For votes of “No” or “Yes”, at the discretion of the Councilor, an explanation or reason may be provided which will be recorded in the meeting minutes.

### **4.4 Absentee Voting**

#### **4.4.1 Applicability**

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

- a. Initiate a Policy Development Process (PDP);
- b. Approve a PDP recommendation;
- c. Recommend amendments to the GNSO Operating Procedures (GOP) or ICANN Bylaws;
- d. Fill a Council position open for election.

4.4.2 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.

4.4.3 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.

4.4.4 Absentee balloting does not affect quorum requirements.

## 4.5 Abstentions

### 4.5.1 Duty of Councilors, Constituencies, and Stakeholder Groups

The GNSO Council is, by design, a small number of members organized into two voting Houses comprised of 7 and 13 members respectively, representing Stakeholder Groups as prescribed in the ICANN Bylaws (see <http://www.icann.org/en/general/bylaws.htm#X>). If approved within a particular Stakeholder Group Charter, a GNSO Council member may be a representative of a Constituency within that Stakeholder Group. Given the Council's size and the voting thresholds that have been defined, it is important that each Stakeholder Group (or Constituency, where applicable) vote decisively, through its appointed or elected Councilors, on every matter that is before the Council for action.

When exercising his/her voting responsibilities on Council matters, a GNSO Councilor is expected to comply with any obligations prescribed within the applicable Stakeholder Group or Constituency Charter governing Councilor's appointment to the Council. If such Charter procedures are silent with respect to voting guidance, directions, or restrictions, the Councilor may use his/her best informed judgment, unless specifically directed as described in Paragraph 4.5.3-a below.

When circumstances regarding a potential voting abstention occur that would otherwise prevent a Councilor from discharging his/her responsibilities (see [Paragraph 4.5.2](#)), the Councilor's appointing organization is provided a ~~set of remedies~~ (see [Paragraph 4.5.3](#)) designed to enable its vote to be exercised. For a Nominating Committee Appointee (NCA) assigned to a House (hereinafter House NCA), certain remedies are available and prescribed based upon a set of specific criteria, conditions, and implementation rules without requiring formal action by the Nominating Committee.

Specific Councilor obligations include:

- a. Active participation: a Councilor is expected to actively participate in the regular affairs of the GNSO Council including, *inter alia*, attending its scheduled meetings, staying abreast of the technical and administrative agenda, engaging in relevant email and live discussions, reading minutes, evaluating reports, listening to meeting recordings (in the event of absence), asking questions that foster learning, voting responsibly on all matters before the Council, and periodically reviewing the performance of the Chair and Vice-Chairs.
- b. Reasonable inquiry: Councilors should request and receive sufficient information, including support from their Constituencies or Stakeholder Groups, as appropriate, so Councilors may carry out their responsibilities. When a problem manifests itself or some issue does not make sense, a Councilor has a duty to inquire into the surrounding facts and circumstances and seek guidance.

### 4.5.2 Abstention Categories

Circumstances leading to a potential voting abstention can arise when a Council member perceives a set of conditions, relative to some action or motion before the Council that warrants his/her recusal from participating and/or voting. For purposes of the Council's operating procedures, abstentions will be grouped into two categories varying by severity and recommended action: "volitional" abstentions and "obligational" abstentions.

a. Volitional Abstentions

Circumstances may occur when a Council member elects to refrain from participating and voting for reasons that may include, but are not limited to:

- Perception of being inadequately informed
- Has not participated in relevant discussions or studied available materials
- Lacks sufficient understanding, expertise, or technical knowledge

The above list itemizes several potential reasons for a volitional abstention; however, as described in [Paragraph 4.5.1](#) above, it is the duty of Council members to remain informed, to exercise their responsibilities to vote, and to take whatever reasonable measures are available so that this category of abstentions is minimized to the greatest extent possible. Appointing organizations are encouraged to provide sufficient guidance, assistance, education, and direction, where applicable, to avoid circumstances that might otherwise result in a volitional abstention.

b. Obligational Abstentions

This category of abstentions results from conditions in which a Councilor may find that he/she is unable to vote on a measure due to a competing personal (e.g. religious), professional, or political interest that interferes with his/her ability to participate in the matter or where participation raises ethical questions.

*Disclaimer concerning the term "Conflict of Interest": There are certain financial interests and, possibly, incentives associated with GNSO actions that affect Internet domain name policies. As they pertain to GNSO Council voting actions, such interests are expected to be documented in a Councilor's required Statement of Interest (see [Chapter 5.0](#)) and do not require that the Councilor abstain from participating and voting. GNSO Councilors do not have a fiduciary responsibility to act in the best interests of ICANN in discharging their responsibilities on the Council. While the deliberations and decisions of ICANN are made in the interests of the global Internet community as a whole, GNSO Councilors are understood, in some cases, to represent the views of organizations and interest groups that would materially benefit from policies recommended by the GNSO. It is understood that Councilors are often employed by or represent those affected parties and such relationships could engender subsequent benefit to Councilors as individuals. As a result of these special circumstances and to avoid confusion with ICANN's Conflict of Interest Policy, which does not pertain to GNSO Council matters, the term "Conflict of Interest" will not pertain when a GNSO Councilor argues for and votes "Yes" or "No" on a matter which, by virtue of that action, directly or indirectly benefits that individual financially or economically; however, that*

*interpretation does not imply that circumstances cannot occur in which a Councilor may perceive his/her situation as obligating a formal abstention.*

A Councilor who believes that proceeding to vote on a motion or action before the Council not only warrants, but requires, his/her abstention and, thereby, recusal from deliberations, is considered to be facing an obligational abstention. Although it is not possible to draft a set of exhaustive conditions under which obligational abstentions can arise, two examples are provided by way of illustration:

Case 1: a Councilor (attorney by profession) is representing a client in legal action relating to a matter before the Council and, as required by his/her professional code, must abstain and, furthermore, such abstention should not be counted as a negative vote. *[Note: this type of situation requires ~~one of the remedies~~ specified in [Paragraph 4.5.3](#)].*

Case 2: a Councilor is a paid consultant for a national political body that has a vested interest in a particular motion before the Council. The Councilor is concerned that his/her future income potential and ability to retain a consulting engagement with the national body may be affected if he/she votes on the measure. In such a case, the Councilor believes that the ethical course of action is to abstain.

In the two examples above, personal or professional obligations interfere with the Council member's ability to participate ethically; thus, requiring recusal from deliberations on the matter and abstention from voting.

#### 4.5.3 [Remedies To Avoid Abstaining on a Vote](#)

~~[According to existing rules, any abstention would not contribute to the passing of a motion; therefore, by default, an abstention functions as a "No" vote. The purpose of the remedial procedures in this section is to minimize this effect.](#)~~

~~All Council voting thresholds, as described in the GNSO Operating Procedures and the ICANN Bylaws, require a certain number of affirmative votes in each House in order to pass a measure. The voting thresholds are calculated based upon the total membership of each House. According to existing rules, any abstention, regardless of type or category, would not contribute to the passing of a motion; therefore, by default, an abstention functions as a negative (or "No") vote.~~

~~The purpose of the remedial procedures in this section is to minimize the effect of such potential abstentions on Council voting by providing mechanisms that will permit the abstaining Councilor's vote to be exercised.~~

~~The remainder of this paragraph describes a sequence of actions that are designed to remedy those situations in which a Councilor, facing either of the two categories of abstention in [Paragraph 4.5.2](#) above, is not able to perform his/her duties. In general, the remedies proceed from simplest in execution to more logistically complex and should, under most circumstances, be evaluated and selected in the order provided.~~

#### a. Voting Direction<sup>1</sup>

The preferred remedy, if applicable for the appointing organization, is to request a “Yes” or “No” voting instruction from the Council member’s appointing organization (if applicable). The Council member is obligated to follow the instruction.

If a Voting Direction is not obtained then the Council member may opt for Section 4.6 (Proxy Voting).

~~The first remedy to be considered in avoiding the consequences of an abstention is for the Councilor at issue to request specific voting instructions in writing from Councilor’s appointing organization. The Councilor would then be obligated to follow the voting instruction provided. This remedy requires that the appointing organization establish an affirmative or negative voting position, subject to provisions contained in its Charter or Bylaws, on the applicable Council measure/motion.~~

~~This remedy is recommended when receipt of specific voting instruction from the Councilor’s appointing organization will obviate the conditions that would otherwise have resulted in an abstention.~~

#### b. 4.6 Proxy Voting

An abstaining or absent Council member as defined above (the Proxy Giver) may transfer his or her vote to any other Council member (the Proxy Holder).

The Proxy Holder must vote in order of precedence according to one of three types:

1. An instruction from the Proxy Giver’s appointing organization (if applicable), or if none;
2. An instruction from the Proxy Giver, or in the absence of either;
3. The Proxy Holder’s own conscience.

#### a. Multiple Proxies

A GNSO Council member is not permitted to be a Proxy Holder for more than one Proxy Giver.

#### b. Quorum

An absent Council member does not count toward quorum even if a proxy has been established. A Temporary Alternate (see 4.7 below) if present, would count toward quorum.

#### c. Proxy Notification

A proxy notification must be sent to the GNSO Secretariat and should indicate which type it is. The notification should, where applicable, be sent by the Proxy Giver's appointing organization. Ordinarily a proxy notification must be received by the GNSO Secretariat before the start of the relevant meeting.

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<sup>1</sup> The term “appointing organization” (see [Section 1.3.1](#)) does not comprise the Nominating Committee; therefore, the Voting Direction remedy does not apply to House NCAs.

Exceptionally, a proxy notification may be given during a meeting by a Council member who is present but needs to leave before a vote. In all cases the most recent notification takes precedence.

~~The second method to be considered in avoiding the consequences of an abstention is the use of proxy voting, where the vote of an abstaining Councilor is transferred to another GNSO Councilor.~~

~~i. For abstentions declared by Councilors not appointed by the Nominating Committee and where voting direction is not a viable remedy, the appointing organization may transfer the vote of the abstaining Councilor to: (1) the House Nominating Committee Appointee (NCA), (2) another of its Constituency Councilors (where applicable), or (3) another Councilor within the Stakeholder Group. The appointing organization must be able to establish an affirmative or negative voting position, subject to provisions contained in its Charter or Bylaws, on the applicable measure/motion for which one of its Councilors has declared an intention to abstain. The Councilor to whom the vote is transferred shall exercise a vote in line with the appointing organization's stated position.~~

~~i. If an abstention is declared by a House NCA, once formal notification has occurred pursuant to the procedures in Paragraph 4.5.4 a, a proxy is automatically transferred to the GNSO Council's unaffiliated NCA (hereinafter Council NCA) and any vote cast will be counted within the House to which the abstaining NCA is assigned. The Council NCA may exercise only one proxy at a time; therefore, the first abstention remedy properly transferred to the Council NCA, including all measures/motions specified, takes precedence. It should be noted that, because NCAs do not have an appointing organization, as defined in these procedures (see Section 1.3.1), to provide specific voting direction, the Council NCA may exercise his/her best judgment, including abstaining, on the matter at issue. If the Council NCA abstains or does not cast a vote for any other reason, no further remedies are available and the automatic proxy will be nullified. The original House NCA will be recorded in the minutes as having abstained from the vote.~~

~~Proxy votes function as standard Council votes. A Councilor abstaining on a vote, if present at the meeting, does count in quorum calculations; however, the existence of a proxy does not count towards quorum for any action of the GNSO Council. In addition, the existence of a proxy does not count towards quorum calculations for any action of the GNSO Council.~~

~~No GNSO Council member is permitted to exercise more than one proxy vote for any specific action/motion before the Council. If an appointing organization finds itself with more than one abstention situation to be remedied, the appointing organization must allocate its proxy votes to as many other Councilors as required such that no individual Councilor registers more than one proxy vote at a time.~~

#### e.4.7 Temporary Alternate

~~The third~~[Another](#) remedy that may be exercised in avoiding the consequences of an abstention is the naming by the appointing organization of a Temporary Alternate who is empowered to “stand in” for the abstaining Councilor according to the provisions below. For a House NCA, the Temporary Alternate remedy is defined only for certain conditions of absence and vacancy as provided in [Section 3.8](#) of these procedures.

In selecting a Temporary Alternate, the appointing organization shall choose, from within its membership ranks, a responsible individual who is not a current voting GNSO Council member, but is otherwise knowledgeable on the matter at issue and qualified to represent the appointing organization’s interests. The Temporary Alternate must meet all criteria (e.g. Term Limits) for GNSO Council membership.

- i. The GNSO Secretariat will arrange for the named Temporary Alternate to participate in GNSO Council meetings, teleconferences, email list discussions, as appropriate, and will cause such arrangements to be deactivated upon conclusion of the Temporary Alternate’s tenure.
- ii. The Temporary Alternate is entitled to participate in Council deliberations and voting only upon the specific matter(s) outlined in the communication submitted to the GNSO Secretariat (see Paragraph ~~4.84.5.4-b~~). In all other matters, the regular Councilor is expected to function in Councilor’s normal capacity. A Temporary Alternate may not be selected to register a proxy vote, as described in [Paragraph 4.5.3-b4.6](#), ~~except when the Temporary Alternate is named as a result of provisions contained in [Section 3.8 Absences and Vacancies](#).~~
- iii. The presence of a duly recognized Temporary Alternate at a Council meeting is counted in quorum calculations; however, the regular Councilor, if present, and any Temporary Alternate only contribute a count of one to the meeting quorum.
- iv. Only one Temporary Alternate may be named to act for a GNSO Councilor at a time.
- v. If the Temporary Alternate is named for a Council member who is an elected officer of the GNSO Council, the Temporary Alternate does not assume those officer duties and responsibilities; the Council’s leadership succession shall take effect as provided elsewhere in these procedures.

The above remedies are available for the purposes of ensuring that, to the maximum extent possible, each and every GNSO Council vote can be exercised and that conditions otherwise resulting in an abstention can be mitigated. The GNSO Council has not established any provision that would permit the voting thresholds and calculations to be altered, for example, by reducing the denominator due to an abstention.

#### ~~4.5.44.8~~——Procedures

This paragraph outlines the notification and communication steps required when an abstention condition is identified as well as the procedures that must be followed in remedying the abstention.

For the purposes of these procedures, the term “written” or “in writing” shall mean via postal mail or electronic mail (e-mail).

In order for an abstention remedy to be implemented, all required procedures must be completed prior to the start of the GNSO Council meeting in which the vote will be taken; otherwise, the abstention will not be remedied and the provisions of [Paragraph 4.5.4 e4.8-c](#) will apply.

a. Notification by Councilor

A Councilor who believes that he/she should abstain from participation/voting on a measure before the Council is required to provide, at the earliest opportunity, a brief written notification documenting the circumstances to the appointing organization with a copy forwarded to the GNSO Secretariat. For a House NCA, the notification should be sent to the GNSO Secretariat with a copy to the Council NCA who is required to acknowledge receipt to both parties that an automatic proxy is confirmed. If the situation is perceived to be confidential in nature and cannot be disclosed in the notification, a statement to that effect should be included by the Councilor.

b. Communication by Appointing Organization or NCA

To effectuate a remedy described in [Paragraph 4.5.3](#), the appointing organization or, when applicable, the House or Council NCA must provide a written statement to the GNSO Secretariat, as early as possible prior to any discussion/voting on the matter at issue, containing the following information:

- Name of the abstaining Councilor.
- Remedy selected (from [Paragraph 4.5.3](#)).
- Reason(s) for or condition(s) leading to the remedy.
- Specific subject(s)/measure(s)/motion(s)/action(s) of the Council for which the remedy is being exercised.
- Date upon which the remedy will expire or terminate. No remedy may initially or subsequently extend beyond three (3) months at a time. If the period needs to be extended, a written notice can be provided to the GNSO Secretariat indicating the reason for extension (e.g. Council vote postponed) and a new expiration date. While there is no limit to the number of extensions; “standing” remedies are not allowed under any circumstances.
- For the specific remedies of Voting Direction and Proxy Voting, the communication must include an affirmation that the appointing organization has established a voting position, subject to provisions contained in its Charter or Bylaws, on the matter at issue. For Voting Direction, a statement from the appointing organization shall indicate that the affected Councilor has been instructed how to vote on the matter. Exclusion: these statements are not applicable or required in a remedy applied for a House NCA.
- For Proxy Voting, identification of the GNSO Councilor who will register the vote for the abstaining Councilor.
- For a Temporary Alternate, identification of the individual who will serve as a substitute for the abstaining Councilor. If not already published and available, a short bio and Statement of Interest should be prepared by the Temporary Alternate and delivered to the GNSO Secretariat in advance of any discussion or voting scheduled to take place.

c. Effect and Recording of an Abstention Not Otherwise Remedied

If an abstention cannot be avoided after pursuing the remedies provided in [Paragraph 4.5.3](#), then the Councilor may abstain from voting and an “Abstention” will be entered into the record along with a reason. If the reason for the abstention warrants such action (e.g. obligational abstention), the Councilor shall be recused and not participate in discussions on the affected topic(s) or otherwise attempt to influence other Council members nor shall he/she vote on any action attendant to the matter for which the abstention conditions are present. An abstention shall not affect quorum requirements or calculations nor will it reduce the denominator in any vote tabulations for the affected House.