

## **Nomination Timeline to fill vacancy ICANN Board seat 12**

With the resignation by Katrina of Board Seat 12, effective per 23 August 2024, the Empowered Community and ccNSO received the request to initiate the process to fill the vacancy of Board Seat 12:

1. For the remainder of Katrina's term until the 2024 AGM ( November 2024)
2. For the 3-year term starting at ICANN's AGM in November 2024 up and until the AGM in 2027.

To fill the a vacancy of Board Seat 11 or 12 in case of resignation the following Sections in ICANN Bylaws applies:

***Vacancy on the Board, Section 7.12 (a)*** - *Vacancies occurring in Seats 1 through 15 shall be filled by the EC after nomination as provided in Section 7.2 and Articles 8 through 12. A vacancy in Seat 16 shall be filled as provided in Article 15. A Director designated by the EC to fill a vacancy on the Board shall serve for the unexpired term of his or her predecessor in office and until a successor has been designated and qualified. No reduction of the authorized number of Directors shall have the effect of removing a Director prior to the expiration of the Director's term of office.*

***ccNSO Council Board Nomination, Section 10.2 (i)*** - *The ccNSO Council shall nominate individuals to fill Seats 11 and 12 on the Board by written ballot or by action at a meeting; any such nomination must have affirmative votes of a majority of all the members of the ccNSO Council then in office. Notification of the ccNSO Council's nominations shall be given by the ccNSO Council Chair in writing to the EC Administration, with a copy to the Secretary, and the EC shall promptly act on it as provided in Section 7.25.*

Although according to section 10.2, the ccNSO Council nominates individuals to fill Board Seat 11 and 12, the ccNSO has agreed that the members of the ccNSO select the nominee for Board Seat 11 and 12 and the ccNSO Council affirms this selection. This was reconfirmed during the discussions and adoption of the [ccNSO Rules](#). The procedure for Board Nominations is detailed in the [ccNSO Guideline Nomination of Board Seat 11 and 12](#).

Further, note that the ccNSO Guideline includes the Due Diligence review in response to the [Board request dated 2 November 2017](#).

The secretariat has mapped out two timelines (see below ccNSO Nomination Timeline) following the procedural requirement from the ICANN Bylaws, Rules of the ccNSO, applicable Guideline and related Board Resolution. Based on these requirements, the earliest possible date the nomination process will be concluded is early January 2025, however this includes cutting some corners and expecting that Councillors work through the seasonal break. According to the more realistic scenario scenario 2), the earliest the nomination process will concluded is by mid- February 2025.

Note that the ccNSO will not be able to nominate an individual for the remainder of Katrina's term (until the 2024 AGM). Note that John Jeffrey in his note already expressed that his would not be feasible.

The secretariat advises the Council to select the timeline under scenario 2.

## ccNSO Nomination Timeline, scenario 1 and 2

ccNSO has agreed on voluntary arrangement that members select a candidate for nomination. This is detailed in the Internal Rules of the ccNSO and the relevant ccNSO Guideline. According to the Guideline the nomination process shall include a background check of candidates ( per request of the ICANN Board).

Further, the Guideline requires a Q&A with candidate(s) that needs to be organized prior to selection by members, even if one candidate. The Q&A should preferably be scheduled 2-3 weeks before the voting starts.

The timeline should include at least dates for the following milestones:

- Appointment of the Nomination Process Manager
- Call for Candidates
- Acceptance of candidacy
- Expected duration of the Due Diligence verifications
- Presentation of Candidate Statements
- Start and end of the election rounds and run-off election
- Closure of Election process
- Nomination by the ccNSO Council.

### Proposed timelines/timeline scenario's

Event	Scenario 1			Scenario 2		
	Start Date	End Date	Comment	Start date	End date	Comment
<b>Approval Timeline Board seat 12 nomination</b>	29 Aug	3 Sep		29 Aug	3 Sep	
<b>Appointment Nomination Process Manager (Joke)</b>	29 Aug	3 Sep		29 Aug	3 Sep	
<b>Heads-up email to community + Announcement website</b>		4 Sep			4 Sep	
<b>Call for Nominations</b>	10 Sep	27 Sep		10 Sep	27 Sep	
<b>Acceptance Nomination</b>	30 Sep	4 Oct		30 Sep	4 Oct	
<b>Due Diligence</b>	8 Oct	6 Dec	Check duration Due diligence with ICANN Legal RUN IN PARALLEL WITH ISTANBUL MEETING, assume duration of 2 months	8 Oct	6 December	Check duration Due diligence with ICANN Legal

Event	Scenario 1			Scenario 2		
	Start Date	End Date	Comment	Start date	End date	Comment
Q&A Candidate statements Interview		15 Nov	Assuming the ISTANBUL meeting for interviews, requires special Council decision, to deviate. Candidates need to be aware	22 January	28 January 2025	Ensures Southern hemisphere can participate
Voting	9 Dec	23 Dec	Voting needs to await outcome of the Due Diligence check. In case background check takes 8 weeks, no time to properly prepare the voting. This runs into Seasonal holidays (effectively reducing voting period to one week.  Required duration at least 14 days	4 Feb '25	18 Feb '25	Voting needs to follow- Q&A relatively quickly, to add value.  Ensures end of holiday season. Q&A will be recorded and is available
Second round	14 Jan '25	28 Jan '25		4 March	18 March	
Nomination Council	Jan or Feb Council meeting/		Council Nomination at its earliest in January 2025, if nu "run off"	February or March Council meeting		Council Nomination at its earliest February 2025

### Critical Path

- Call for nominations (minimum 3 weeks)
- Background check candidates: 6-12 weeks. Duration depends on availability/ accessibility of background info. To be confirmed by ICANN
- Q&A candidates – determines timing of voting (time between Q&A and voting 2-3 weeks)
- Voting by members (announce test,) 2 weeks + minimum 2 weeks (minimum duration of voting 2 weeks)

## **Pro's – Con's Scenario 1 and 2**

Scenario 1 focuses on using the ICANN81 for the Q& A with the candidate, and attempts to ensure that the time between Q&A and voting is as limited as possible, however with assumption that background check needs to be completed before the voting is launched.

Under scenario 1 the due diligence check and Q& A with candidate run in parallel. One could argue that if a candidate needs to rescind candidacy after Q&A but before the voting, this risk is with candidate in first place. However, under both scenario's it is assumed that the background check needs to be completed before the voting starts.

Further, assuming a duration of 6-8 weeks, starting early October ( after closure call for expression of interest) the voting starts at its earliest beginning of December, without proper testing of process ( checking ballots).

Risk of starting later in December is lack of interest / votes (quorum) due to seasonal break ( Experience has shown that seasonal break runs from mid-December to mid/end of January, depending on the geographical region).

Assuming the Council will have a break directly following the voting ( closing date of voting could be 23 December), Council will be able to nominate the person selected by the members in January 2025 at its earliest, under scenario 1.

Scenario 2 allows for completion of background check before the Q&A, and takes into account the seasonal break in mid- December until mid – January.

Under scenario 2, the Q&A will be virtual. Again to ensure that the time between the Q&A and voting is around as limited as possible the nomination period will be concluded at its earliest in February 2025.

## **Advise secretariat**

The secretariat advises the Council to select the timeline under scenario 2.