

5.0 GNSO Council Seat Vacancies.

5.1 Executive Committee Option. Subject to the provisions of Section 8.0 - Appendix, at any time when one or more vacancies have been or expected to be created among the GNSO Council seats allocated to the NCSG, the EC shall exercise one of two options as follows:

5.1.1 Seat Allocation by Unanimous Consent. If the EC is able to reach unanimous agreement among its Members (all must participate) as to how GNSO Council vacant seats shall be allocated between its Constituencies, mindful of any geographic diversity requirements that have been identified, then such arrangement shall be considered officially approved. Each Constituency assigned a seat will elect a candidate from its membership, according to its internal eligibility criteria and voting methodology, and subject to any geographic requirements stipulated by the EC. The Constituency will subsequently notify the EC of its candidate selection in the time period requested and that appointee will be seated on the GNSO Council at the appropriate time.

5.1.2 SG Election. If the EC is unable to reach unanimous consent as to an allocation of GNSO Council seats among its Constituency members, an election will be held, as described in Sections 5.2-5.4, the outcome of which will determine which nominated candidates are placed in the available seats.

5.2 Candidate Nominations. Upon execution of the election provision described in Section 5.1.2 above, the EC shall call for candidate nominations from each of its Constituencies. Constituencies will have thirty (30) days to submit their nominated candidates to the EC at which time the nomination process will be closed to further candidates.

5.2.1 Geographic Diversity. In order to promote broad representational diversity in accordance with principles contained in the ICANN Bylaws, no more than three (3) of the elected NCSG Council Representatives may come from the same geographic region as defined by Article X, Section 3 of the ICANN Bylaws. The application of this provision may modify or alter any final voting or ranking outcomes as prescribed in Section 5.5.

5.2.2 Constituency Nominations. Although not required to do so, each Constituency is permitted to nominate up to one (1) candidate for each vacant seat. The procedures outlining how candidates are nominated and selected by each Constituency are contained within each Constituency's Charter, approved by the Board. Constituencies are not required to nominate candidates from any specific geographic region; however, they should be mindful of the provision in Section 5.2.1 and recognize that, once the NCSG has reached its threshold for Council Representatives coming from a particular geographic region, any otherwise electable candidate will be passed over if that candidate's election would cause the NCSG to exceed its maximum allowance from a geographic region.

5.2.3 Eligibility. Any member of an NCSG Constituency in good standing is eligible to be nominated for the position of GNSO Council Representative. Individuals who are members of more than one (1) Constituency shall identify during the nomination process the Constituency Charter pursuant to which he or she will serve.

5.2.4 Candidate Profiles. Each nominated candidate shall complete a profile according to a common NCSG template designed for this purpose containing, among other information, his/her interest, experience, and qualifications for the position. Candidate profiles will be circulated to all NCSG Constituencies as integral parts of the slate of nominated candidates to be voted on by the Constituencies' membership.

5.3 General Election Process.

5.3.1 Candidate Slate. Upon receipt of all Constituency nominations, the EC shall distribute a final approved candidate slate, in alphabetical order by family name, to all Constituencies that contains a standard profile for each nominee.

5.3.2 Voting System. The NCSG, with the assistance of Staff, will utilize an automated voting system to record votes, aggregate results, and summarize results. Login information as well as specific instructions will be forwarded to all Constituencies prior to the vote.

5.3.3 Timeframes. A communication will be sent to all Constituencies, for distribution to its members, indicating the date/time that the voting system will be opened and when it will close. The voting period shall not be less than seven (7) calendar days though it may be longer at the discretion of the EC.

5.3.4 Results. At the conclusion of the voting period, the results will be tabulated and communicated to the Constituencies.

5.3.5 Verification. The NCSG shall ensure that voting is conducted using a system that allows third-party verification of the results and, subject to data protection laws, shall make available, upon request, basic information about any Constituency's membership to the EC, the ICANN Board, the ICANN Staff, and/or other NCSG Constituency members.

5.3.6 Records Availability. The NCSG EC reserves the right to request information from any Constituency that can be used to independently verify membership standing and/or election results if a challenge is registered by any NCSG Constituency Chair or an EC member as to the accuracy and reliability of any Constituency's membership roster or if any member of the EC comes to believe that an irregularity of voting has taken place or is likely to take place.

5.4 Eligibility. Each Constituency is expected to (a) properly and routinely maintain and publish its membership roster according to its Charter provisions and any other transparency requirements of the NCSG and/or ICANN; and (b) ensure that only *bona*

fide voting members in good standing are provided the information and opportunity to cast ballots and/or register votes whenever called upon by the NCSG EC. Individuals may not cast a ballot as a member of more than one Constituency election for any particular election. A violation of this provision nullifies any and all votes cast by that individual in that election.

5.5 Methodology. The general approach to voting for GNSO Council Representatives shall be as follows:

5.5.1 Preference Ranking. Within each Constituency, each eligible voter¹ ranks every candidate on the ballot from most preferred to least preferred taking into consideration the needs of the NCSG in terms of experience, qualifications, interest, geographic diversity, and any other criteria communicated by the EC as relevant to the election. To the extent that a Constituency uses internal weights to differentiate among its members, those weightings will be incorporated into this preferential ranking step.

5.5.2 Intermediate Constituency Ranking. The “Single Transferable Vote - Preferential Voting” (STV-PV) method is used to determine the final result in each Constituency, which is a listing of all candidates from most preferred to least preferred. The outcome of this voting stage will be called a ‘Constituency Candidate Ranking,’ and there will be a unique listing for each Constituency in the Stakeholder Group.

5.5.3 Final Ranking. Once the ‘Constituency Candidate Ranking’ of the slate of nominees has been determined, each one is then treated as an individual ballot, equally weighted, and ‘cast’ in a subsequent STV-PV election where the only ‘voters’ are the Constituencies as a whole. The voting system is programmed to return a set of elected candidates equal to the number of vacancies that exist. The candidate with the highest preference vote will be elected to the first vacant seat and so on until all remaining vacancies have been filled. ***[Important: if a selected candidate’s geographic identity would cause the NCSG to exceed its maximum allowable number from that region (see 5.2.1), that candidate will be deemed ineligible to serve and the next highest ranked candidate will be chosen].***

5.5.4 Brief Explanation of Methodology. In STV-PV, candidates are automatically elected if they achieve a minimum number of votes called the quota. The quota is defined as the total number of formal votes divided by the number of candidates to be elected plus one. This formula ensures there are never more winners than vacancies. The process of determining winners and losers is achieved in successive rounds called ‘counts’. The first count finds all candidates who reach or exceed the quota from the number of first preferences received. Commonly, one or more candidates receive more first preference votes than the required quota. If the required number of vacancies is not filled in the first count, the

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Comment: Should revise to include Constituency weightings.

¹ According to independently verifiable Constituency Charter eligibility and membership criteria.

excess of votes of quota is not wasted because the excess fraction of each vote for each winner is transferred to the remaining undecided candidate(s) according to the second preferences of those voters. This results in fractions of votes being transferred to the remaining candidates. Another count then follows and the candidate with the smallest number of votes, including transferred votes, is then excluded and that candidate's preferences are similarly transferred according to the voters' preferences. The process then repeats with another count to find the next winner(s) and loser until the required number of vacancies is filled.

5.5.5 Inability to Reach Determination. If, after following the process described in this section, there is a tie in rank order such that a seat determination cannot be made, there are two common tie-breaker rules that cover this situation:

1. 'Lookback' to previous counts, and
2. Random Draw

The voting system can be configured to use each method in series to resolve a tie. A 'lookback' refers to the previous count and excludes the candidate with the fewest number of votes in that count. If that also results in a tie, then the system keeps looking back to earlier counts until the tie is broken. If there is no earlier count, or if the lookback method otherwise results in a tie, the common fallback is random selection. At the start of each count a unique random number, generated from the seed, is assigned to each candidate. Because the seed is a constant for each unique poll, the random numbers do not change for a given count, which is the desired behavior.

If this election process fails to produce sufficient candidates or a ranking that enables all Council seats to be filled unequivocally, the EC shall hold such additional elections as are required to complete filling all vacant seats.