



To: BC Members
From: BC Chair & BC Secretariat
**Re: Announcement of BC 2012 GNSO Council Representative Election
Process Timeline**

Background:

The BC has two GNSO councilors, elected by BC members to the GNSO Council. According to the ICANN bylaws, the GNSO has a Council [see attachment excerpt from ICANN bylaws for description of GNSO’s Council and its purpose. You will note that Councilors are allocated to the Commercial Stakeholder Group (CSG), not to the BC directly. The CSG Charter is thus relevant as a BC member resource, and is appended to this email. Members should also consult the BC Charter <http://www.bizconst.org/charter.htm>].

At this time, the six Councilors allocated to the CSG are equally split among the three CSG Constituencies. Terms of office are set by ICANN bylaws. The mechanisms to elect councilors are allocated to the individual CSG Constituencies. The BC Charter describes the BC mechanism.

The number of terms an individual can serve was modified by the last GNSO restructuring, and the BC adheres to those requirements. Geographic diversity is required, unless there are interim or temporary situations where that is not feasible.

Councilors are elected on alternating years: for example, in 2011, Zahid Jamil was elected (September, 2011) for a second full term ending in 2013.

Term limits apply to BC Councilors as established by ICANN-GNSO Restructuring: Councilors are eligible to stand for two full two year terms, however completion of partial terms in case of removal or resignation, does not affect eligibility for two full terms.

As mandated by the BC Charter, the BC will undertake a nomination/election process for the Council seat now held by John Berard, John was elected to his first term as BC Councilor in 2010 and is eligible to stand again for a full 2 year term.

Time frame and Procedure for Councilor Election:

The election will be conducted by the BC Secretariat, acting as Voting Officer, supported by the GNSO Secretariat, as Verifying Officer. The Nomination and Elections process is described below and will be conducted from September 3rd to September 28th. This is a three part process: Nomination; Discussion; Voting. Voting will open on September 19th, and close on September 26th to allow the count of votes, and certification of the vote outcome on September 28th, for announcement of the election outcome on September 28th.

Please note that the present incumbent Councilor serves in place regardless of the outcome of the election through the GNSO Council meeting in Toronto. After the meeting concludes on Wednesday, October 17th, the new Council with any new Councilors is seated. The Council Chair is then elected,

The ICANN GNSO “Business Constituency”



and the new Council is official. This process is defined in the ICANN bylaws as ‘taking office following the conclusion of the upcoming ICANN Meeting’, but actually the Council’s upcoming ICANN meeting in Toronto on Wednesday October 17th is the ‘conclusion date’.

This memo describes timeframes and procedure for Council election: which seat is open; how to nominate a candidate; how to accept a nomination; how to submit a Candidate’s Statement; when the election will be held, and outcome announced.

Resource Documents:

- The BC Charter -relevant sections of the Elections Process, in particular, Sections 4.2 - 4.7; 5 (entire Section), and 8.2.3 (Special rules for elections).
[<http://www.bizconst.org/charter.htm>]
- CSG Charter [<http://www.bizconst.org/Miscellaneous-documents/ICANN+CSG+Charter+2010.pdf>]
- ICANN Bylaws [<http://www.icann.org/en/about/governance/bylaws>]

Operating and Conducting the Election Process:

The BC Secretariat will act as Voting Officer. The ICANN GNSO Secretariat will serve as Verifying Officer to the election process. A semi formal process for communication is provided, to avoid using the BC lists to engage in campaigning, or to create unfair advantage for any candidate.

Conducting Business for the BC during the Election Period:

Existing councilor remain in place and responsible for their duties until the date described above. All other Business Constituency business remains active and should be sent as usual to the BC lists.

*Transmitted by the BC Chair & BC Secretariat to bcprivate@bizconst.org
Monday, August 27th 2012*



Process for BC Councilor Election: 2012

I. Timeline for BC Councilor: September 3rd – September 28, 2012

- Nomination period of two weeks: September 3rd – September 14th
- Candidate Statements Submitted to Secretariat by: September 14th
- Posting of Candidates Statements to BC list: [if provided] September 15th
- Discussion with Candidates: September 17th – September 19th
 - Discussion Period via the BC list – September 17th – September 19th
 - Candidates Call on: September 19th, Recorded and transcribed/posted to BC list
- Private and confidential Electronic Voting on Candidates: Ballot distributed CoB September 19th; Voting opens September 20th – Closes September 26th.
- Announcement of outcomes: September 28th, 2012

2. Position Open for Election: GNSO Policy Councilor

This position is one of two representing the BC at the GNSO Council, elected on an alternating year basis, and required to have geographical diversity; and is a two year appointment. Since one of the two councilor slots is already held by a BC member from Pakistan (Zahid Jamil, elected in 2011), only candidates from other regions (Europe, North America, Africa, Latin America) can be considered for this Councilor election. Thus, only such nominations will be accepted by the Secretariat. Nominations will be acknowledged by the Secretariat upon receipt before acceptance, and Secretariat will notify each candidate and check acceptance of the nominated party.

What it takes to fill this role:

Representing the BC in the gTLD policy arena of the GNSO’s Council is a significant responsibility. Increasing concerns of business users/BC members make the Council’s work highly visible and important. Full and active participation in the Council, and with the BC’s own mechanisms for engagement with members via conference calls; email responsiveness to BC discussions; and active participation in Excomm sessions of the BC/CSG interactions; participating in all Council calls and working sessions with informed and active engagement and providing interactive feedback into the BC’s lists is a key priority for BC’s Councilors. All candidates will be given a chance to respond to questions regarding their capabilities, interests, commitment, and understanding of the work load, which is a considerable time commitment. Understanding of BC issues and time commitments will be addressed during the Candidate Discussion call and all candidates are invited to provide a written statement describing their understanding of the role; the BC’s priorities; and the time commitment.



3. Term of Office:

GNSO Council Representative: As per ICANN bylaws: “Subject to the provisions of the Transition Article XX, and Section 5 of these Bylaws, the regular term of each GNSO Council member shall begin at the conclusion of an ICANN annual meeting and shall end at the conclusion of the second ICANN annual meeting thereafter”. [In this case, close of Toronto GNSO Council meeting, Wednesday, October 17th, 2012 and ending at the close of similar GNSO Council meeting, in 2014. Note: the end of year meeting for ICANN is typically designated the ‘annual’ meeting.]

4. Eligibility:

- To be eligible to stand for election as councilor [who becomes a member of the Excomm as once elected as a Councilor], according to Section 4.7 of the BC Charter, a candidate must have been a BC member for the immediate preceding 12 months.
- A BC member organization/company/association must be current in their dues for a representative to stand for councilor or officer election.
- Adherence to all aspects of the BC Charter for Membership which requires Divisional Separation and Representation of user interests only within the BC.

5. Operation of the Election Process:

Benedetta Rossi, BC Secretariat, will act as Voting officer, conducting the BC’s nomination process; scheduling the candidate discussion; managing the election for Councilor, count votes. The GNSO Secretariat will act as Verifying Officer of the returning ballots. The election process – submission of nominations; verification of candidates willingness to stand, and sending and receiving ballots will utilize a dedicated email address – bcvotes@hotmail.com.

The purpose of a separate process is to be fair to all candidates, and to not allow elections to interfere with the conduct of business of the BC.

Thus, the BC lists will be used primarily to distribute announcements; factual information from candidates; any endorsements; candidate statements; conference call details. Candidates should not use the BC list to campaign, or to self distribute information. Candidates are asked to communicate with the Voting Officer via bcvotes@hotmail.com.

While the purpose is to maintain the election process in an independent manner, and not use the BC lists for campaigning or endorsements, members may choose to post to the BC lists on their views on the statements of candidates distributed by the Voting Officer, or to announce their interest in standing. BUT should refrain from campaigning actively via the list. Undue use of the BC list for campaigning purposes will result in suspension of a member’s posting privileges during the period of the election.



All formal communications from the Voting Officer on the election will utilize bcvotes@hotmail.com.

6. Nomination Process for GNSO Council Representative 2012

Any BC member that is not from Asia-Pacific and has been a BC member for over 12 months is qualified to be nominated. As a nominator, please ask the BC member you wish to nominate if they are committed to the work demands of the Councilor role, familiar with the job demands, can participate in monthly calls of the Council, attend the three face to face meetings, and commit to the work load needed in both BC and Council gTLD policy issues, as well as participating in needed internal BC management and coordination calls. Candidates must assume that they become subject matter experts in various gTLD policy areas and work collaboratively and interactively with the fellow Councilor of the BC, and the BC's Officers. Time commitments are significant. Skills in policy analysis; policy research; negotiation/collaboration and policy strategy are basic requirements. Information about the Councilor role can be found at on the Charter, Section 4.1 (www.bizconst.org/charter.htm). The BC Executive Committee/Councilors meet monthly by conference call, and a monthly BC members pre-Council call is held. Additional work time is needed to do research, read email lists; engage with the BC Excomm and BC members, as well as the wider ICANN community.

- Any paid up member of the BC may nominate one other member for a Councilor position.
- BC members have one designated representative who carries their vote and has this standing.
- BC members must retain divisional separation if they are members of more than one Constituency and cannot vote in more than one Constituency on any topic or issue, including elections of Councilors and officers.
- Proxy voting is allowed, but designation by the primary contact must be sent to the Voting Officer before voting begins.
- The Voting Officer will ask members with multiple Constituency memberships to verify their eligibility to vote in the BC election.



This nomination email should be sent to bcvotes@hotmail.com and must include the following information:

- **Name/details of nominator:** (your name, email/phone details for follow up if needed)
- **BC Member Status:** statement that you are a BC paid up member in good standing. If you are not the official representative, please note that you have concurrence from the official representative (Insert their name) to make this nomination.
- **Name of Nominee:** Name and how they are affiliated with BC: as a direct member/as a noted BC supporter/as a member of an association that is a BC member
- **Statement that you contacted the nominee** and they agreed to nomination, or if not, state that, so that the Voting Officer is aware. Your name will be given by the Voting Officer to the nominee as the nominator of the candidate. Candidates who do not respond to the Voting Officer to accept a nomination cannot be put forward on the ballot.
- **Seconds:** The BC Charter does not require ‘seconds’, but if you do second someone, this will be shared with the candidate by the Secretariat.

Privacy of nominations:

The BC Charter does not provide for public nominations. While this might change in the future, for now, anyone nominating someone else should abide by this and leave it to the candidate to self announce their interest in being nominated.

Verification of Email Notification:

Upon receipt of an email nomination, the Voting Officer will send an email acknowledging the nomination received.

The Voting Officer will then send an email to any nominee, noting they have been nominated by [insert name of nominator] and ask each nominee to:

- 1) Accept or decline the nomination, and to do so by **September 14th** at latest.
- 2) If accepting, to prepare a candidate statement and return that statement to the bcvotes@hotmail.com address, by **September 14th** at the latest for posting by the Voting Officer to the BC public list.



In conformance with Section 8.2.3, the nominations submitted to bcvotes@hotmail.com will remain confidential until the close of the nomination period.

- If not planning to submit a candidate’s statement, the candidate should advise in their email that they decline to submit a candidate’s statement, as a courtesy.
- Failure to accept nomination will result in a candidate not being included in the ballot; however, submission of a candidate’s statement is an option.

7. Announcement of Nominees: September 15, 2012

The Voting Officer will transmit a list of confirmed and qualified nominees to the BC membership using bc-gnso list. Candidates statements submitted and any questions submitted by members will also be submitted to the bc-gnso list. From September 17th – September 19th members may use the BC list for discussions with the candidates.

8. Submission of Questions to Candidates by Members:

BC members are invited at any time from the nomination to the conclusion of the nomination period to submit questions to candidates via bcvotes@hotmail.com; these will be aggregated and forwarded to the candidates and the bc-gnso list by September 18th by the Voting Officer.

Candidates will be expected to be able to answer relevant questions regarding the Councilor position, including time commitments, understanding that this is a non compensated position, as well as work load and time demands, relationship to the BC, and may expect substantive policy and conflicts of interest questions, etc.

The Councilor position has high time demands, including participation in the GNSO Council calls, preparation with the BC membership via preparatory calls, understanding of ICANN gTLD policy items, etc.

9. BC Discussion with Councilor Candidates: September 19th. Candidates are asked to prioritize this discussion with BC Members.

- **Dial in information** for the call will be posted to bcprivate@bizconst.org by, or on **September 17**. The Candidate call will be recorded and transcribed, and posted to bcprivate@bizconst.org.
- Candidates with competing nominations will be separately scheduled for a specific time slot. This schedule will be the responsibility of the Voting Officer to establish.
- Questions to all candidates [as submitted to the bcvotes@hotmail.com address], will receive first priority for discussion with candidates, as relevant to their position nomination. As time permits, other ad hoc questions from BC members on the call may be accepted. Candidates



may choose to post additional or clarifying responses to the BC lists, following the Candidates call. The call will be chaired by the BC Chair.

10. Distribution of Ballots for Election: Voting Period: September 19 COB/opening of Voting Period: Sept 20-26, 2012

The Voting Officer will transmit ballots for qualified candidates via email from bcvotes@hotmail.com to the eligible BC member of record with clear direction that the ballot must be returned to bcvotes@hotmail.com no later than midnight PST on Wednesday, September 26th.

- The initial ballot distribution is September 19th. Voting opens September 20th.
- The Voting Officer will transmit a voting reminder email on Monday, September 24.
- Any BC member who cannot utilize the transmitted ballot can send an email to with votes for each candidate position to bcvotes@hotmail.com, and should retain a copy of said email.
- All Ballots (or email substitutes) are private and confidential and the Voting Officer will retain the only copy of the submitted ballots.
- All returned ballots will be acknowledged. In that way a member will know that his/her vote has been recorded.
- Voting closes on September 26th by Midnight PST.

Proxy Designation:

If a member is designating a colleague as a proxy to receive the ballot, the designee may not be a designated representative in another Constituency, and must be an actual employee of said member. BC Members may not vote if they hold voting status in another Constituency/SG. Further, even if voting in the BC, a proxy cannot be transferred for fulfillment to a colleague who is the designated representative in another constituency. The proxy must be confirmed in writing before the ballot is transmitted and the proxy role will be verified by the Voting Officer by email. All members with multiple Constituency/SG Memberships will be asked to verify their eligibility to vote.

11. Tallying the Votes/Verification of Outcome by Voting Officer/Verifying Officer:

- The Voting Officer will tally the votes received during the election period.
- All votes will be recorded as 1 vote, and the Voting officer will then allocate the weighted voting algorithm, based on BC dues/category. Depending on their category of membership, each BC member will have 3, 2 or 1 votes, as established by the level of BC membership.
- The Verifying Officer [GNSO Secretariat] will verify the outcome of the election.
- The Voting Officer will retain the records of the vote in a private and confidential manner.
- The winner will be the candidate with the largest number of votes within their specific



category.

- In case of a tie, a new election will be held among the nominees in the tied category.

12. Notification of Results to Membership: Friday, September 28th 2012

- All candidates will be individually advised of the outcome by the Voting Officer/Verifying officer by 9 am EDT on September 28th 2012.
- A notice of the outcome of the election and notifications of elections will be sent to the BC Officers as a part of the elections outcome report.
- The BC Chair will announce the results to the BC membership via the public bc-gns0 mailing list. The announcement published to the BC membership will include only the outcome. A separate email to the BC-Private list will include outcomes of each election, with the number of weighted votes received by any candidate, as reported by the Voting Officer.

13. Seating of GNSO Councilor

The elected Councilor will assume duties after the closure of the next ICANN Council meeting in Toronto, Canada on Wednesday, October 17th 2012. Support to incoming Councilor will be the duties of both BC Officers and BC Councilors. A newly elected Councilor is expected to attend the full Toronto meeting and to fully participate in all aspects of the meeting.