

Question	#	Topic	Suggested Alternatives	Level of Support	Status	Notes/Current Language proposed	
Q1	1	Number of NCSG Seats	No Change from Proposed Language	Most support	Waiting on board determination	... the GNSO Council shall consist of: ... (c) six representatives selected from the Commercial Stakeholder Group; (d) six representatives selected from the Non-Commercial Stakeholder Group	
	2		Reduce NCSG to 3 seats from 6	BC, IPC, ISPC			
Q2	3	Name of House	Users and Services instead of Non-Contracting Party House	BC, IPC, ISPC	Rules tentatively accepted for naming issues. This presumes that board will allow for renaming as long as the definitons of scope remian the same.	Typically for voting purposes, the GNSO Council shall be organized into a bicameral house structure as described below: a. the Contracted Party House ... and b. the Non-Contracted Providers House....	
	4		Users House instead of Non-Contracting Party House	BC, IPC, ISPC		1. a house can determine its own name with the approval of both SGs in that house; 2. that a SG group can determine its own name and that this should be part of its board approved charter; 3. hat a constituency can determine its own name and it should part of its board approved charter; 4. that no house, SG or constituency gets to determine the name of another house, SG or constituency.	
Q3	5		<del>Contracted Party to "Contracted Parties and Suppliers"</del>	BC, IPC, ISPC	Removed based on principle that each entity controls its own name subject to approval of members and board	...the GNSO Council shall consist of.... (a) three representatives selected from the Registry Stakeholder Group; (b) three representatives selected from the Registrar Stakeholder Group; (c) six representatives selected from the Commercial Stakeholder Group;(d) six representatives selected from the Non-Commercial Stakeholder Group;	
	6		No change to house names	Most support	Waiting on board determination		
	7	Name of Stakeholder Group	Name Should be "Non-Commercial Stakeholder Group"	Most support	Waiting on board determination		
	8		<del>"Non-commercial SG" to the "Noncommercial and Individual SG"</del>	BC, IPC, ISPC	Removed based on principle that each entity controls its own name subject to approval of members and board		This raises the question of whether individuals can be a member of the Commercial SG
	9	Name of Constituencies	Name Should be "Registries" instead of "Registry" for the SG and Constituency References	Typo - All support	Fixed - can be closed		
Q3	10	Assigning Non-Com Appointees to a House	We need to describe exactly how the Nomcom Appointees (NCAs) are to be assigned to a house.	All support	Doodle exercise completed	...three representatives selected by the ICANN Nominating Committee, one of which shall be non-voting, but otherwise entitled to participate on equal footing with members of the GNSO Council. One voting representative shall be assigned to each House subject to a selection procedure adopted by that House.	
	11		House Pick	some support		Dooble indiated a strong support for Nomcom decides on seating and for defining this in GNSO operating rules and procedures. Issues brought up include 1. Can GNSO change Nomcocom commitments and will a corresponding change need to be made in Nomcom by-laws section. 2. the by-laws indictes how al the other council members are assigned to house and it sems consistent to include NCAs as well. 3. Needs to be something in transiton section since Nomcom placement wil not happen for class of 2009.	
Q4	12	Constituency Rights	Non-Com selects for itself	some support	Waiting on Board Determination	subject to the provision that each Board-recognized Constituency shall be allocated a minimum of one seat on the GNSO Council.	
	13		Appointees Pick	some support			
	14		Should this be in Bylaws?	some support			
	15		Should this be in GNSO Rules	some support			
Q4	16		Guaranteed Minimum 1 GNSO Seat	Staff suggestion, no support from GNSO	Philip, Chuck, Olga, Mary/Milton to work on proposed compromise language.		
	17		Need clarification of rights/benefits of being a Constituency	Staff Suggestion			
	18		Should the Bylaws include conditions on the relationship between Constituencies and the Stakeholder groups in order to implement the Board's recommendations for increased participation and representation	Staff Suggestion			
Q5	19				curent Language	For Stakeholder Groups with three seats on the GNSO Council, no two representatives shall be citizens of the same country or of countries located in the same Geographic Region except in cases where a Stakeholder Group can demonstrate that there are no eligible and available member representatives from three different regions. For Stakeholder Groups with six seats on the GNSO Council, no four representatives shall be citizens of the same country or of countries in the same Geographic Region except in cases where a Stakeholder Group can demonstrate that there are no eligible and available member representatives from four different regions.	
	20	Geographic distribution SG council members					
	21		a Non Contracted Party SG to appoint up to 4 (increased from 3) out of 6 council members from one geographic regions	some support ????			

	22		a Non Contracted Party SG to appoint up to 3 out of 6 council members from one geographic regions	some support	Language Proposed by Chuck, Milton and Olga	Stakeholder Groups should ensure their representation on the GNSO Council is both geographically and sectorally diverse as appropriate. If the number of allocated Council seats for a Stakeholder Group is less than the number of ICANN geographic regions, the applicable SG should select Councilors who are each from different geographic regions. If the number of allocated Council seats for a Stakeholder Group is greater than or equal to the number of ICANN geographic regions, the applicable SG should select at least one Councilor from each geographic region. In all cases no more than two Stakeholder Group Council representatives may be from the same ICANN geographic region; any exception to this requirement must be approved by a 2/3 vote of both houses.
	23		Should these geographic diversity requirements be waived by Non-Contracting Party SG	some support		
	24		Should these geographic diversity requirements be waived by Contracting Party SG	some support		
	25		Consider having exceptions apply only to Contracting Party side	some support		
	26		Should the geographic diversity requirement in the Com SG allow for an exception for "sectoral diversity"	some support		
	27		Allow more flexibility ... no eligible, qualified and available member representation....	some support		
Q6	28	Term Limits Exception	Special circumstance on term limits to support geographic diversity- should this require both house to give majority approval	seems to have full support.	Question remains of who decides on exception. Both house or the SG's house. Seems to be a Council issue Should be consistent with Geo names resolution.	Except in a "special circumstance," such as to meet geographic diversity requirements, where no alternative representative is available to serve, no Council member may be selected to serve more than two consecutive terms. 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 must remain out of office for one full term prior to serving any subsequent term. A "special circumstance" is approved by majority vote (of both houses, of the House where the Council member will sit).
	29		only approval of affected house required			
Q7	30	Bylaws vs. Operating Rules	To what extent does the contractual nature of Policy Decisions require that rules be in the by-Laws?	strong support for subsidiarity	General guideline inserted in Section . Charter and names decided by entity with member and Board approval. Basis for reoperating rules and procedures subject to charter and by-laws.	Procedures for handling GNSO Council member vacancies, resignations, and removals are prescribed in the applicable Stakeholder Group or Nominating Committee charter approved by the Board. Except as otherwise specified in the Transition Article XX, Section 5 (link TBD) or Annex A of these Bylaws (link TBD), all bicameral house voting thresholds required to pass a GNSO Council motion or other action are prescribed in the GNSO Council Operating Rules and Procedures
	31		To what extent can flexibility be obtained by moving some items to Rules & Procedures. For items that can me moved to Rules and Procedures, which ones need to be part of Council Rules and Procedures	all support		
Q8	32	Locality of rules and Procedure		strong support for subsidiarity	Language added to Section 2	
	33		Policy and procedures that vary depending on the nature of the specific issues should generally be in Rules & Procedures	some support		
	34		policy & procedures that deal with critical elements of the GNSO Structure should be in the Bylaws	some support		
	35		policy & procedures that relate to other Bylaws provisions or existing contractual provisions should be in the Bylaws	some support		
	36		which ones can be House specific Rules and Procedures?	unknown support		Staff Note- We did not envision specific rules or structural documents applicable to a House
Q9	37	Board Seats 13/14	Switch order of which house elect 13/14		Waiting on board determination	Each of the two GNSO Houses ... shall make a selection to fill one of two ICANN Board seats, as outlined below, by written ballot or by action at a meeting; any such selection must have affirmative votes comprising 60% of all the respective voting house members: a. the Contracted Party & Suppliers House shall select Seat 13; and b. the Users & Providers House shall select Seat 14
	38		No Change from Proposed language	some support		
	39		Seat 13 be assigned to the Non-Contracted Parties House and seat 14 be assigned to the Contracted Parties house	supported by BC, IPC ISP, ISPC, NCUC		
Q 10	40	Joining several SG/Const	Proposal to remove from Bylaws and include in SG Charters	Staff Suggestion, Strong support		Article 3: "No individual or entity shall be excluded from participation in a Constituency merely because of participation in another Constituency". Alterante language

	41	Qualifications to serve on the Board				Both seats shall not be held by individuals who are employed by, an agent of, or receive any compensation from an ICANN-accredited registry or registrar nor shall both seats be held by individuals who are the elected or appointed representatives to one of the four GNSO Stakeholder Groups or any Constituency
	42		Both seats shall not be held by individuals who are employed by, an agent of, or receive any compensation from an ICANN-accredited registry or registrar	unknown support		dependency of SIC feedback on Q9
	43		both seat should not be held by individuals who are the elected or appointed representatives to one of the four GNSO Stakeholder Groups or any Constituency	unknown support		dependency of SIC feedback on Q9
	44		No limitation on board seat, only 60% house vote required from the house that appoints seat	some support		dependency of SIC feedback on Q9
	45		An individual may not serve simultaneously as a GNSO Councilor and an ICANN Board member	full support		can be closed
10a	46		Article 3: No individual or entity shall be excluded from participation in a Constituency merely because of participation in another Constituency".	some support for suggested alternate language.	Issues include: SG charters with no constituencies, how is this policed (members lists?).	Suggested change to: With the exception of voting, no individual or entity shall be excluded from observing a Constituency merely because of participation in another Constituency. Each Constituency will be responsible for determining its own rules relating to observe participation.
Q 11	47	Registries SG include those wishing to become registries		Most do not support change, suggested by BC, IPC, ISPC uncertain of current support	Issue possibly resolved by statements in SG charter	The following Stakeholder Groups are hereby recognized as representative of a specific group of Constituencies, approved by the Board, and subject to the provisions of the Transition Article XX, Section 5 of these Bylaws (link TBD): Registry Stakeholder Group representing all gTLD registries under contract to ICANN and including as observers organisations who wish to become Registries;
Q 12	48	Registrars SG include resellers	No Change from Proposed Language	some support		The following Stakeholder Groups are hereby recognized as representative of a specific group of Constituencies, approved by the Board, and subject to the provisions of the Transition Article XX, Section 5 of these Bylaws (link TBD): Stakeholder Group representing all registrars accredited by and under contract to ICANN and including as observers resellers
	49		Delete reference to resellers	some support		
Q 13	50	NCSG include "members of the at-large community"	No Change from Proposed Language	Most favor no change, supported by BC, IPC, ISPC		The following Stakeholder Groups are hereby recognized as representative of a specific group of Constituencies, approved by the Board, and subject to the provisions of the Transition Article XX, Section 5 of these Bylaws (link TBD): Non-Commercial & Individual Stakeholder Group representing the full range of non-commercial entities of the Internet and members of the at-large community;
	51		if so, should at large become "At Large"	question was asked, unknown support		
	52		if so should "non-commercial" be added before "members"	some support		
	53		Delete reference to "at large"	some support		
Q 14	54	Privacy Law	"applicable privacy law as it pertains to personally identifiable information"	some support		Each Stakeholder Group identified in paragraph 1 of this Section (link TBD) and each of its approved Constituencies shall maintain recognition with the ICANN Board. Recognition is granted by the Board based upon the extent to which, in fact, the entity represents the global interests of the stakeholder communities it purports to represent and operates to the maximum extent feasible in an open and transparent manner consistent with prevailing privacy laws and consistent with procedures designed to ensure fairness. Stakeholder Group and Constituency Charters will be reviewed periodically as prescribed by the Board.
	55		consistent with prevailing privacy laws	some support		
Q 15	56	Transitional Charter	(which may itself of necessity be a transitional Charter)	some support		Notwithstanding the adoption of these Bylaws Amendments, each GNSO Constituency described in paragraph 2 above shall continue operating substantially as before and no Constituency official, working group, or other activity shall be changed until further action of the Constituency, provided that each GNSO Constituency shall submit to the ICANN Secretary a new or revised Charter (which may itself of necessity be a transitional Charter) inclusive of its operating procedures, adopted according to the Constituency's processes and consistent with these Bylaws Amendments, no later than the ICANN meeting in October 2009.
	57		(which may be a Board approved transitional charter)?	some support		
Q16	58	Bylaws to Include Specific Date for Transition	No Change from Proposed Language	Staff suggestion		Article XX, Section 5, Transition Article, Items 3 & 4 (and elsewhere in the document) Items 3 & 4 as well as elsewhere in the document, a specific month is given for GNSO restructure implementation. It was previously June 2009 and it has been proposed to change it to October 2009.

	59		Bylaws to state- date to be announced by Board	some support
	60		Bylaws to state- date to be announced by Board, but not later than (date)	some support
Q17	61	Privileges of Non Voting Members	Should be defined in Bylaws	all support
	62		Describe other benefits such as ability to make and second motions	some support
	63		Ability to serve as Chair?	some support
Q 18	64	Thresholds for Chair/VC	GNSO Council Chair - elected by 60% of both houses, with rounds of voting if there are more than two candidates, and including a none of the above category	some support
	65		Vice Chair elected by each House, with the house rules clarifying how this is to be done	some support
	66		No Default if cant agree	some support
	67		Default if can't agree that the vice chairs will be Co Chairs, with a new election in 4 months later; if co-chairs don't agree, one is tie-breaker for a month and then alternates with other for next month	some support
	68		possibility of an appointed chair from outside the group	question posed, unknown support
	69		Thresholds for Chair to be included in Bylaws, VC in House rules	some support
Q 18a	70	Thresholds in Bylaws	Should all voting thresholds, and not just those related to PDP etc, be in the Bylaws?	some support
Q18b	71	Thresholds	Should we put the threshold issue on hold until information is provided from Staff regarding thresholds related to the PDP in Annex A?	Some support
Q18c	72	GNSO Voting Thresholds	Should the thresholds include a catch-all threshold as originally recommended by the GNSO such as "All other issues: requires a simple majority of both houses."?	Most support
Q18d	73	Thresholds for PDP during transition period	No Change from Proposed Language	All support
	74		Include thresholds in Annex A instead of in Transitional Article	some support
Q19	75	What is Scope	Within ICANN's Mission and GNSO scope (ie gTLDs) needs definition	some support
	76		replace with within scope with 'determined by legal counsel in the issues report'	some support

language added in several sections. Can be closed

The three seats currently selected by the Nominating Committee shall be assigned as follows: one voting member to the Contracted Party & Suppliers House, one voting member to the Users & Providers House, and one non-voting member assigned to the GNSO Council at large.

In the absence of further action by the Board to modify or amend Annex A to these Bylaws and/or this Transition Article XX, Section 5, the newly seated GNSO Council will utilize the following voting thresholds for all policy development activity conducted commencing with the ICANN meeting in June 2009: a. Create an Issues Report: requires more than 25% vote of both houses or majority of one house; b. Initiate a PDP Within Scope: requires more than 33% vote of both houses or more than 66% vote of one house; c. Initiate a PDP Not Within Scope: requires a vote of more than 75% of one house and a majority of the other house ("Super Majority"); d. Approve a PDP Recommendation Without a Super Majority: requires a majority of both houses and further requires that one representative of at least 3 of the 4 Stakeholder Groups supports; e. Approve a PDP Recommendation With a Super Majority: requires greater than 75% majority in one house and majority in the other house.