Dear Councillors,

Please find the [full results](#) of the voting outside a Council meeting on the Council's reply comment to the Nominating Committee Recommendations from the Board Working Group.

The motion passes and will be submitted to the public comment <u>forum</u> on or before 9 January 2015.

The text of the motion is at the bottom of this email.
Voting closed at 23:59 UTC 6 January 2015.

Voting results in summary:
Contracted Party House (7 votes)
7 votes in favour

Non Contracted Party House (13 votes)
9 votes in favour
3 votes against
1 person did not vote

Avri Doria registered the following comment:
While I have concerns with the Board WG report, such as the fact that the Nomcom grew larger instead of smaller and that it is still a selection committee instead of a nominating committee, I generally support the direction they are taking to adjust the balance of representation in the Nomcom.

The Nomcom is supposed to be the mechanism, replacing the full and open election that ICANN supported at its creation, by which the entire ICANN community picks a board that balances a multitude of diversity and interest factors. The broader the representation of diverse groups in that Nomcom, the better able it is to understand the scope of that diversity and range of interests and requirements. And the better it understands the need for diversity the better it can perform its duties.

The current Nomcom structure, is strongly oriented toward business interests, as the GNSO is 3/4 business stakeholder groups, counting both the Non Contracted and the Contracted business stakeholders. The changes suggested by the Board WG go some distance to putting the various other components of the ICANN community on a equal footing in Nomcom deliberations. This is a goal I strongly support and one that is antithetical to the proposed letter.

Thank you.
Kind regards,

Glen

Motion to approve sending Council reply comment on Nominating Committee Recommendations from the Board Working Group

> Made by: Tony Holmes
> Seconded by: James M. Bladel

With the close of the primary comment period on the Nominating Committee Recommendations from the Board Working Group, it is the view of the GNSO Council that there is support among its members on a number of key points. For this reason, the Council is breaking new ground by offering a reply comment to reinforce that shared point-of-view.

The Council has identified five (5) areas which deserve the emphasis we intend by submitting this document:

1. Diversity is hampered, not aided by reducing the role of the GNSO constituencies and stakeholder groups

Reducing participation of the already globally diversified commercial interests represented within the GNSO at a time when ICANN is increasingly in need of leadership skills is short-sighted.

There is no doubt that diversity is a proper goal, but the recommendations ignore the ability of the existing groups as broad and deep as those represented by the GNSO to already be able to meet that objective.

It is the view of the GNSO Council that whether participation from other groups is increased, to reduce GNSO participation flies in the face of advice from the Board itself that the Nominating Committee seek to identify candidates with "strong experience in the operation of gTLD registries and registrars, with ccTLD registries, with IP address registries, with Internet technical standards and protocols, with ICANN policy-development procedures, legal traditions, and the public interest."

2.   Increasing membership from other groups may be helpful, as long as those new members are able to fully contribute individually

In practice and by legacy, the GNSO members of the Nominating Committee are free to look beyond affiliation in search of the best candidates. By contrast, the proposed increase in the number of seats on the Nominating Committee proposed for the Government Advisory Committee would reduce individual insight in favor of institutional policy.

The Council opposes that increase as GAC members act as representatives of their governments, not as individual participants. The GAC likely understands the need to steer clear as it recently has not filled its one seat on the Nominating Committee.

3.   Delegation voting procedures undercut the integrity of the current model

Having made this commitment to the value of the input from its constituencies and stakeholder groups, the Council does not support the proposed delegation voting mechanism. This might seem counter intuitive, but it is totally in line with our view that the strength of the Nominating Committee comes from the background of the individual members drawn from those organizations, not that they be bound by them.

4.   The ongoing evolution of the Nominating Committee has been disregarded

A more serious concern for the Council is that the Board Working Group seems to have overlooked or ignored the persistent evolution of the Nominating Committee. While not resorting to the adage, "if it isn't broken, don't fix it," we do not fall far from it.

The creation of the chair-elect, the increased openness of the process and engaging the entire community in the nomination period are all evidence of self-improvement. This trajectory ought to be applauded and encouraged, not disregarded.

5.   Two-year terms, likely staggered, would enhance stability and institutional memory

Whether in a business or civil society setting, the ability to make smart and productive decisions is rooted in accountability and stability. It is the view of the Council that the current Nominating Committee holds itself accountable to a degree that ought to be a guide for the entire organization.

Enhancing that trait by adding an additional layer of stability seems a prudent move.

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