

Quorum Study Group Report

1) Background

The Quorum Study Group was formed after discussions in the Elections Review Study Group on the current quorum rules. It was considered whether the current quorum requirements are adequate and efficient and if they reflect today's needs of the ccNSO.

Noting that such elaborations were not in the scope of the Elections Review Study Group, the Council decided to form a sub-group to look into the quorum matters more deeply.

A call for volunteers was made in the ccTLD community, which resulted in the following set-up of Study Group Members:

Sabine Dolderer, .de
Barrack Otieno, AfTLD
Katrina Sataki, .lv (Chair)
Hong Xue, NomCom appointee

Support staff: Gabriella Schittek

The group looked into the following issues:

- Types of Voting that occur in the ccNSO;
- Issues with the Current Quorum Rules;
- Benefits with the Current Quorum Rules

Based on the discussions, the Study Group members agreed on a set of recommendations, which are presented under point 5 ("Study Group Recommendations") in this report.

2) Types of Voting in the ccNSO

- **Voting on Policy Development Issues**

The required quorum is 66% of the membership to cast a vote. If the quorum is not met, a second round of voting is arranged, which does not require a quorum.

- **Elections to the Council and Board**

In such an election, a majority of all ccNSO members in the Geographic Region that are entitled to vote, shall constitute a quorum. If the quorum is not met, a second round of voting needs to be arranged. The ICANN Bylaws do not specify how the next round should be carried out if the required quorum is not met. In this case the Article 5.3 of the Rules of ccNSO (December 2004) could be applied: *“In the event that fewer than 50% of the ccNSO members vote, the vote shall be invalid and a second vote will automatically commence 14 days after the invalid nature of the first vote is notified to the members. The results of the second vote will be valid irrespective of whether 50% of the ccNSO members vote.”* However, if there is only one candidate, no voting is required at all.

- **Council Voting**

Voting within the Council requires a quorum of 50%+ 1 and at least one voting Councillor from each region. However, the Council quorum rule is not an issue and does not need to be reviewed.

- **Changes of the Rules of ccNSO**

A change will become valid only if approved with a vote of greater than 66% at a general meeting, or by electronic vote.

3) Issues with the Current Quorum Rules

- Growing Number of Members

With a steady growing membership, the ccNSO Secretariat has noted that it is becoming harder to meet the quorum, as the required number of cast votes is increasing.

This applies to both Council elections and Policy Development Process voting – as noted during the IDN ccPDP Vote in 2013, where a second round of voting needed to take place.

It is foreseen that with the start of the acceptance of IDN ccTLDs, this issue will increase even more.

- Operational Burden

Knowing that it is hard to meet the required quorum, a vast amount of time and energy is spent on encouraging ccNSO members to cast their vote, using a broad variety of

channels (such as social media, Councillors, Regional Vice Presidents, Regional Organisations, individual ccTLDs, etc.).

If the quorum still is not met, this does not only delay the process, but also causes double workload for everyone involved because an additional round of voting must be organised. It is also noted that additional rounds cause a “voting fatigue” amongst those members who casted their vote in the first round. Thus, the need for additional rounds discourage members from participation in the first round.

- Interpretation of “non-voting”

With different cultures involved in the ccNSO, the understanding of a “non-vote” varies. Whilst the ccNSO requires an active “abstention” (the voter needs to cast a ballot, marked “abstention”), some cultures perceive the action of non-voting as an “abstention” in itself. Such an understanding decreases the active participation in the voting process.

Also, some ccTLDs primarily join the ccNSO in order to formalise their relationship with ICANN and don’t aim to actively participate in the work of ccNSO. However, these ccTLDs are still counted when a quorum is required.

4) Quorum Benefits:

- Having a quorum rule is a fundamental “good practice” in a membership organisation, such as the ccNSO. A fairly high Quorum rule brings trust and confidence in the organisation and its processes.
- As a membership organisation, the members agree to be bound by the policies and decisions that are taken by the organisation. By not participating in the voting process, this could be an indicator that the members do not consider themselves being bound by the outcome.
- By joining the ccNSO, members agree to follow the policies set by the organisation. If a member abstains from voting, it is an indication that the member most probably will not implement the policy.
- Subsequently, not having a proper quorum in place can undermine the organisation itself if there are a large number of policies set, which are not followed. The quorum is therefore also a protection for the organisation.

5) Study Group Recommendations

In the light of the fundamental benefits of having quorum rules in place; however, also acknowledging that they in some cases cause operational obstacles (e.g., during Council Elections), the Study Group recommends the Council to:

- Keep the Quorum for Policy Development voting as it is;
- Develop a mechanism where ccNSO members can indicate how their “non-vote” should be interpreted during a voting – Abstain/Will not subscribe to policy/Do not count me as quorum (the latter meaning that the member does not consider itself having enough insight on the matter, but does not want to hinder the issue to pass a voting).
- Abandon the current quorum needed for Council elections (50%+1), in order to make the process smoother. Instead, a “simple majority” model should be used, where the majority of the ballots cast decide who will win the Council election.
- Review and update the Rules of the ccNSO according to the current needs of the organisation.