

ICANN Board Seat 11, ccNSO Nomination Report

9 December 2022

Executive Summary

- This Nomination Report, prepared by the Nomination Process Manager, is to be discussed and adopted by the ccNSO Council.
- By adopting the Report, the ccNSO Council the nomination process will be formally closed and the candidate Patricio Poblete ([Section 10.3 \(i\) of the ICANN Bylaws](#)) nominated to ICANN Board Seat 11. The Chair of the ccNSO Council will be expected to inform the ECA and ICANN secretary after the ccNSO Council decision has become effective.
- The designation as Nominee by the Empowered Community in accordance with [ICANN Bylaw section 7.2 \(1 October 2016\)](#), becomes effective after the ccNSO Council decision becomes effective, according to [Rules of the ccNSO](#).

1. Introduction

The ICANN Board Seat 11 becomes vacant at the end of the ICANN Annual General meeting in 2023. The timeline of the launch of the nomination period was defined following the applicable [ccNSO Guideline](#) and was approved by the ccNSO Council on 17 June 2022. Joke Braeken was appointed Nomination Process Manager.

Based on previous experience, the launch of the nomination process needed to start in July 2022 to ensure that the background check on all candidates would have been concluded before the Q&A session between the members of the ccNSO and the candidate(s). Furthermore, the timeline took the following factors into account:

- the time needed to organise the Nomination Process
- the need to calculate adequate time for the due diligence verifications See ICANN Board resolution from 2 November 2017 (<https://www.icann.org/resources/board-material/resolutions-2017-11-02-en#2.c>) regarding the screening of Directors to the Board
- the fact that ccNSO members have the possibility to ask direct question to the candidate(s)
- the election process by Members
- the possible need for a run-off election
- the practical need that a new board member is invited to attend the Board Workshop in May of the year in which the candidates is expected to fill the seat.
- the 26 April 2023 deadline for the Empowered Community Administration.

2. Nominations

2.1. Nomination launch

In accordance with the approved timeline, the nomination period was launched on Tuesday, 19 July 2022 (00:01 UTC). The call for nominations was posted on the ccNSO website and shared with the ccNSO Council and ccNSO members mailing lists.

The instructions on how to nominate or second the nomination of a candidate were included in the call for nominations: <https://ccnso.icann.org/en/announcements/announcement-18jul22-en.htm>

Instructions include, among others:

- Start and end time, as per the timeline established by Council
- Templates, as per the guideline
- Where to send nominations/secondings (to ccnso-boardnominations@icann.org) and how to consult the [archive](#). This meets the requirements of article 3.4 of the guideline: “The archive of the nominations and secondments will be publicly available”.

2.2. Nomination closure

In accordance with the approved timeline, the nomination period closed on Friday, 5 August 2022 (23:59 UTC). The Nomination Manager posted an [announcement](#) on the ccNSO website and shared it with the ccNSO Council and ccNSO members mailing lists.

2.3. Nomination results

The nomination [archive](#) shows 4 emails for the 18-22 July 2022 timeframe, sent to ccnso-boardnominations@icann.org

- Pablo Rodriguez (.pr) nominated Patricio Poblete on 18 July 2022 (one day prior to the start of the nomination period)
- Clara Collado (.do) nominated Patricio Poblete on 19 July 2022
- Eberhard Lisse (.na) seconded the nomination of Patricio Poblete on 20 July 2022
- Bruce Tonkin (.au) seconded the nomination of Patricio Poblete on 22 July 2022

In addition to his nomination sent to ccnso-boardnominations@icann.org on 18 July 2022, Pablo Rodriguez (.pr) sent an email on 19 July 2022 to the following email addresses: joke.braeken@icann.org , ccNSO-members@icann.org and ccNSO-council@icann.org, nominating Patricio Poblete.

Pablo did not send his 19 July email to ccnso-boardnominations@icann.org, and therefore Pablo's 19 July e-mail does not appear in the public nomination [archive](#).

Moreover, Ernesto Heberto Bojorquez Floriano (.mx) sent an email on 19 July 2022, to el@lisse.NA, joke.braeken@icann.org and in cc to ccnso-council@icann.org and ccnso-members@icann.org. Ernesto seconded the nomination of Patricio Poblete.

Ernesto did not send his 19 July email to ccnso-boardnominations@icann.org. Hence his secondment does not appear in the public nomination [archive](#).

To summarise:

- At least one ccNSO member (Clara Collado, .do) nominated Patricio by using the correct template, sending the template to the e-mail address included in the call for nominations, within the timeframe as per the Council adopted timeline
- Two ccNSO members (Eberhard Lisse, .na and Bruce Tonkin, .au) seconded Patricio's nomination by using the correct template, sending the template to the e-mail address included in the call for nominations, within the timeframe as per the Council adopted timeline
- Therefore, following the call for nominations, Patricio Poblete was nominated and seconded as per the applicable guideline

Consult the archive for nominations and secondings here: <https://mm.icann.org/pipermail/ccnso-boardnominations/>

2.4. Nomination Acceptance and next steps

In accordance with the [timeline](#) as adopted by Council at its [May meeting](#), the Nomination Process Manager asked the nominee to accept his candidacy. The deadline for acceptance of the nominations was Monday, 15 August 2022 (23:59 UTC). Prior to that deadline, Patricio Poblete sent a confirmation via e-mail to the Nomination Process Manager, where he accepted his nomination. The Nomination Process Manager confirmed receipt.

2.5. Additional communication with Candidate, Counsel and Nomination Process Manager

On Thursday, 17 November 2022, during [Council meeting #189](#), during item 13.b “Update ccNSO internal procedures: Guideline ccNSO Nomination Process Board Seats 11 and 12”, Patricio Poblete raised the following points (Approximately 23 minutes into the meeting):

- Patricio mentioned that the call for candidates requires the closing date of the nomination to be at least 2 weeks after the opening date. Patricio added that the announcement regarding the call for candidates also specifies an opening date, which is not mentioned in the guidelines. (See: 6. Observations, observation 3)
- Furthermore, Patricio added that at least one nomination was discarded, due to submission prior to the opening date of the nomination procedure. He requested that if nominations are indeed discarded because of early submission, it should be done based on requirements mentioned in the guidelines. (See: below and 6. Observations, observation 5)

Following conclusion of the Council meeting, the Nomination Process Manager asked Patricio for further clarifications regarding the claim that nominations were discarded. From the e-mail correspondence, it became clear that the assumption was derived from the fact that certain nominations or secondment templates did not appear in the public nomination [archive](#). The nomination process manager clarified that the ccTLD representatives did not send their emails to ccnso-boardnominations@icann.org, the e-mail address specified in the instructions regarding the call for nominations. Therefore, the 19 July nomination by Pablo Rodriguez and the 19 July secondment by Ernesto Bojorquez did not appear in that specific public e-mail archive. There was no active intervention from the Nomination Process Manager to discard those templates.

3. Due diligence verifications

3.1. Start due diligence verifications

The ccNSO Council calculated sufficient time (minimum 3 months) for the due diligence verifications to be completed, prior to the start of the voting rounds by the ccNSO membership.

The candidate warranted, confirmed he is aware of, and consented to:

1. The Country of Citizenship or Domicile included in the nomination form.
2. Not to hold a position as an official of a national government or a multinational entity ([section 7.4 \(a\) of the ICANN Bylaws \[icann.org\]](#));
3. [Section 7.4 \(b\) of the ICANN Bylaws \[icann.org\]](#);
4. [Section 7.4 \(d\) of the ICANN Bylaws \[icann.org\]](#);
5. Fully cooperate to undergo a due diligence screening by an external provider, which includes providing necessary consent to ICANN to transmit personal data to the due diligence provider.

The candidate explicitly confirmed he consents to the processing of their personal data in accordance with the ICANN [Privacy Policy](#) for the purposes of providing it to the independent provider to conduct due diligence.

3.2. Completion due diligence verifications

ICANN org's legal department informed Alejandra Reynoso and the ccNSO Secretariat on 11 October 2022 that following the due diligence verifications, there are no red flags for the candidate. The Nomination Process Manager [announced](#) on 14 October 2022 the upcoming Q&A session with Patricio, confirming that the due diligence or background check by ICANN org's independent provider was concluded without identifying any issues or concerns. Following successful completion of the due diligence verifications, an election needed to be held according to the timeline previously agreed upon by the ccNSO Council.

4. Question and Answer session

The Q&A session provided the ccNSO members and broader ccTLD community an opportunity to interact with the candidates for the position of ICANN Board seat 11 and to ask questions. Purpose of the session is to inform the members in preparation of the election. The recording of the session is published [here](#).

5. Elections

5.1. Start of the elections

There was only one candidate: Patricio Poblete. As per the relevant guideline, an election still needed to be held. A formal [Election Notice](#) was published on the ccNSO website and shared with the ccNSO members and ccNSO Council mailing lists. The Election Notice contained, among others, the following information:

- The names of the candidate
- Information on how the election will be conducted
- Election opening and closing dates.
- Candidate statement as submitted by the candidate
- A recording to Q&A session with the ICANN Board Seat 11 candidate
- The timeline approved by the ccNSO Council
- The relevant guideline

The election started on Tuesday, 8 November 2022 (00:01 UTC), according to the [timeline](#) previously adopted by the ccNSO Council. The ballots were sent in a timely manner to the e-mail addresses of the primary contacts of each ccNSO Member, as listed in the ccNSO Members database. The Nomination Process Manager did not notice any election irregularities.

5.2. Close of the Elections

The election closed on Tuesday, 29 November 2022 (23:59 UTC), according to the [timeline](#) previously adopted by the ccNSO Council. The results were shared with the ccNSO Council and ccNSO members mailing lists and were published [here](#) on 1 December 2022.

5.3. Election Results

The ballot included two options: the name of candidate and "None of the Above". The latter option was added after ccNSO members expressed the need for such an option. Out of 173 Emissaries, 86 (50 %) have cast their votes: Patricio Poblete received 82 votes, whereas 3 Emissaries voted for "None of the above". There was one Emissary that voted without selecting any of the options.

At the conclusion of the election, 173 ccTLD Managers corresponding to 173 Territories are members of the ccNSO. As per Section 10.4(e) of the June 2022 ICANN Bylaws, the Emissary is the Representative selected by the ccTLD Manager for the purpose of voting in the specific cases enumerated in Article 10 & Annex B of the ICANN Bylaws and some of the voting procedures as per the ccNSO Internal Rules and Procedures.

6. Observations

Observation 1

The ballots were sent by the e-mail address tally@icann.org, to the e-mail address of the primary contact of each ccNSO Member, as listed in the ccNSO Members database. Repeated reminders to vote were sent to the ccNSO members and ccNSO council mailing lists, as well as via the voting tool. The nomination Manager used various channels to inform and remind the ccNSO members about the nomination process, to ensure all members were aware of the process, inviting them to participate in the voting. Despite these efforts, there are still ccNSO members with outdated contact details.

Observation 2

The [Guideline: ccNSO Nominations Process ICANN Board Seats 11 and 12](#) currently still contains some placeholders, namely

- 3.1.2 Initiation of Board Seat Nomination process in case of vacancies (Article 7, Section 7.12(a))
- 3.1.3 Initiation of Board Seat Nomination Process when all Directors are recalled (Article 7, Section 7.12(b))

Advice:

The Council is advised to request the Guideline Review Committee to complete the various guidelines and suggest procedures for the placeholders in the [Guideline: ccNSO Nominations Process ICANN Board Seats 11 and 12](#).

Observation 3

As noted by Patricio (see 2.5), the [Guideline: ccNSO Nominations Process ICANN Board Seats 11 and 12](#) does not explicitly require a start date of the nomination. However, the guideline requires the Nomination Process Manager to announce the call for candidates at the time set forth in the nomination timeline established by the ccNSO Council. See the relevant sections from the applicable guideline below.

[...] 3.2 Timeline

The timeline should allow enough time for due diligence verifications, election of the nominee and an election by the ccNSO membership, and if necessary, a second round and/or run-off election, before the seat or seats need to be filled. A regular replacement Nomination Process for Seat 11 or 12 should - in accordance with Section 7.8 of the ICANN Bylaws - be completed at least six (6) months before the conclusion of the ICANN annual meeting at which the regular term for Seat 11 or 12 ends.

The timeline should include at least dates for the following milestones:

- *Appointment of the Nomination Process Manager*
- *Call for Candidates*
- *Acceptance of candidacy*
- *Expected duration of the Due Diligence verifications*

- *Presentation of Candidate Statements*
- *Start and end of the election rounds and run-off election*
- *Closure of Election process*
- *Nomination by the ccNSO Council.*

*The Secretariat will publish the timeline adopted by the ccNSO Council on the ccNSO website.
[...]*

[...] 3.4 Call for Candidates

The Nomination Process Manager will announce the call for candidates at the time set forth in the nomination timeline established by the ccNSO Council. The call for candidates must include a closing date, which will be at a minimum three (3) weeks after the call. The call will further include a description of how to nominate and second a candidate and will refer to the templates for nominating candidates and seconding the nomination(s). [...]

Advice:

The Guideline Review Committee has reviewed the guideline accordingly and will suggest changes to provide guidance to the Nomination Process Manager.

Observation 4

When adopting the timeline, Councillors reflected on the extended time needed to organise the nomination process, recognising the limited flexibility in that regard, due to the various process and bylaws requirements. (See: 1. Introduction)

Observation 5

When nominating or seconding candidates, ccNSO members are encouraged to carefully review the instructions sent by the Nomination Process Manager, including the start and end date, which templates to use, and where to submit the templates. The Nomination Process Manager liaises with the ccTLD community regarding potential irregularities, advising how to remediate them, if any, should there be a need.

7. Links

- [Announcement call for nominations](#)
- [Announcement candidate list](#)
- [Archive for nominations and secondments](#)
- [Applicable ccNSO guideline](#)
- [Rules for the ccNSO Membership](#)
- [Timeline](#)
- [Candidate statement Patricio Poblete](#)
- [Invite Q&A session](#)
- [Election notice](#)
- [Voting results](#)