

ICANN Board Seat 12, ccNSO Nomination Report

2 December 2020

Executive Summary

- This Nomination Report, prepared by the Nomination Process Manager, is to be discussed by the ccNSO Council, with exclusion of Katrina Sasaki.
- By adopting the Report, the ccNSO Council formally nominates the candidate Katrina Sasaki ([Section 10.3 \(i\) of the ICANN Bylaws](#)). Byron Holland as designated Councillor is 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](#).
- The Nomination Process Manager highlights four events in this nomination process:
 - i. **Designation ccNSO Council Point of Contact (Section 2.6)**

Once ccNSO Council Chair Katrina Sasaki accepted her nomination for Board Seat 12, she was no longer involved in the discussion and decision making regarding this specific Nomination Process. Councillors, excluding Katrina, appointed Byron Holland as Council's point of contact and as Chair for matters related to this process.
 - ii. **Perceived Conflict of Interest (Section 2.5)**

Nigel Roberts requested that the ccNSO Councillors Souleymane Oumtanaga, Alejandra Reynoso and Pablo Rodriguez as well as Katrina Sasaki be excluded from discussion and decision-making regarding this specific Board Seat 12 Nomination Process "*given their obvious and non-curable conflicts-of-interest in respect of this appointment process*". In accordance with the relevant Guideline Katrina as ccNSO Council Chair Katrina Sasaki was excluded at the moment she accepted her nomination for Board Seat 12 and was no longer involved in the discussion and decision making regarding this specific Nomination Process.

With respect to the other three Councillors the matter was discussed by the ccNSO Council, including a consultation of ICANN legal. The Council - excluding the 4 aforementioned Councillors - could not determine a conflict of interest for ccNSO Councillors Souleymane Oumtanaga, Alejandra Reynoso and Pablo Rodriguez.
 - iii. **Extension deadline acceptance nomination (Section 2.5)**

Nigel Roberts requested an extension of the nomination acceptance deadline. He also mentioned that the timeline for this Board Seat Nomination diverges from earlier timelines and practices in other parts of the ICANN. The matter was discussed by Councillors, who decided to extend the acceptance period with one week. Both candidates and the community were informed accordingly.
 - iv. **Withdrawal candidacy (Section 4)**

Just before the start time of the public ICANN69 Q&A session, Nigel Roberts informed the ccNSO Council, ccNSO Membership and the Nomination Process Manager that he withdrew his name for consideration for the Board Seat 12 term which starts in October 2021.

1. Introduction

The ICANN Board Seat 12 becomes vacant at the end of the ICANN Annual General meeting in 2021. The timeline of the launch of the nomination period was defined following the [ccNSO Rules and Guidelines](#) and was approved by the ccNSO Council on 21 May 2020. Joke Braeken was appointed Nomination Process Manager at the ccNSO Council Telephone Conference on 21 May 2020.

Based on previous experience, the launch of the nomination process needed to start in May 2020 to ensure that the background check on all candidates would have been concluded before the ICANN69 Q&A session between the members of the ccNSO and the candidates. 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) at the ICANN67 ccNSO members meeting.
- 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 28 April 2021 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, 9 June 2020 (00:01 UTC). The call for nominations was posted on the ccNSO website and shared with the ccNSO Council and ccNSO members mailing lists.

2.2. Nomination closure

In accordance with the approved timeline, the nomination period closed on Tuesday, 30 June 2020 (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

On Wednesday, 10 June 2020 (08:26:53 UTC) Souleymane Oumtanaga (.ci) nominated Nigel Roberts. On Friday, 26 June 2020 (14:04:05 UTC) Alejandra Reynoso (.gt) nominated Katrina Sataki.

Nigel Roberts' nomination received the following secondings:

- Fri Jun 12, 2020. 12:52:15 UTC. By Eleanor Bradley (.uk)
- Fri Jun 12, 2020. 13:32:53 UTC. By Jens Pétur Jensen (.is)
- Mon Jun 15, 2020. 12:12:07 UTC. By Eberhard Wolfgang Lisse (.na)
- Sat Jun 27, 2020. 09:20:53 UTC. By Dejan Đukić (.rs)

Katrina Sataki's nomination received the following secondings:

- Fri Jun 26, 2020. 14:18:29 UTC. By Pablo Rodriguez (.pr)
- Mon Jun 29, 2020. 11:19:42 UTC. By Andrey Vorobyev (.ru)

Consult the archive for nominations and secondings here: <https://mm.icann.org/pipermail/ccnso-boardnominations/2020-June/date.html>. There were no nomination irregularities.

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 both nominees to accept their candidacy. The original deadline for acceptance of the nominations was Wednesday, 8 July 2020 (23:59 UTC). A heads up regarding the approaching deadline, requirements and required actions was sent to both candidates:

- to nigel.roberts@board.icann.org on 16 June 2020 at approx. 13 UTC
- to katrina@nic.lv on 26 June 2020 at approx. 14 UTC

Emails asking whether or not the nominees accepted their nominations, including information about the next steps and the due diligence verifications, were sent on the following dates:

- Wednesday, 1 July 2020 at approx. 08 UTC. email sent to nigel.roberts@board.icann.org and katrina@nic.lv individually
- A reminder was sent on Sunday, 5 July 2020 at approx. 08:30 UTC. email sent to nigel.roberts@board.icann.org and nigel@channelisles.net and separately to katrina@nic.lv

On Wednesday, 8 July 2020 at 10:14 UTC, Katrina Sataki sent a confirmation via e-mail to the Nomination Process Manager, where she accepted her nomination. On Wednesday, 15 July 2020 at 16:47 UTC, Nigel Roberts 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(s) and Counsel

On Tuesday, 7 July at 06:37 UTC, Nigel Roberts raised the following points to the Nomination Process Manager:

1. Request to extend the acceptance deadline. No specific timeframe was suggested
2. The timeline for this Board Seat Nomination diverges from earlier timelines and practices in other parts of the ICANN.
3. What are the rules and where can they be found?
4. Potential Perceived Conflict of Interest. As per Nigel's request, the ccNSO Councillors Souleymane Oumtanaga (elected by the ccNSO members from the African region), Alejandra Reynoso (elected by the ccNSO members from the LAC-region) and Pablo Rodriguez (elected by the ccNSO members from the North American region) as well as Katrina Sataki should be excluded from discussion and decision-making regarding this specific Board Seat 12 Nomination Process "*given their obvious and non-curable conflicts-of-interest in respect of this appointment process*".

The Nomination Process Manager brought the matter to the attention of the Councillors individually - excluding Katrina, Alejandra, Pablo and Souleymane - asking for guidance regarding the points raised by Nigel. The Nomination Process Manager notes that Nigel raised his concerns on 7 July 2020 and Katrina accepted her nomination on 8 July.

The 14 remaining Councillors decided to extend the acceptance period with one week. The new deadline for the nominees to respond was set at Wednesday, 15 July 2020 (23:59 UTC), and both candidates and the community were informed accordingly. The announcement to the community regarding the deadline extension, and the revised timeline can be viewed [here](#).

2.6. Administrative decision: designate person to fulfil the chairs' tasks

According to the Guideline Board Seat 11 and 12 Nomination Process (section 3.5), the Chair of the Council, or other person designated by the Council in the event the Chair is candidate, informs ICANN's General Counsel's office of the candidate and provide it with all relevant information. Once Katrina accepted her nomination, she was no longer involved in the discussion and decision making regarding this specific Board Seat 12 Nomination Process.

On 10 July 2020, the Nomination Process Manager requested Councillors to designate a person who would act as Council's point of contact and act as chair when necessary during the process. The ccNSO Council (excluding Katrina) was requested to take this administrative decision as soon as possible, but no later than 15 July 2020 (23:59 UTC). The Council, excluding Katrina, designated Byron Holland.

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.

On 17 July 2020, Byron Holland informed the 14 Councillors that he had submitted the candidate information and documents to ICANN Org as per the rules and procedures. In addition, and on behalf of the 14 Councillors – Byron contacted ICANN's General Counsel to seek guidance on the issue of the potentially perceived conflict-of-interest.

The candidates warranted, confirmed they are 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 candidates explicitly confirmed they consent 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 Byron Holland and the ccNSO Secretariat on 7 September 2020 that following the due diligence verifications, there are no red flags for any of the candidates. Byron Holland sent an e-mail to the ccNSO Council mailing list on Tuesday, 8 September 2020, 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 12 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](#).

Close to the start time of the public ICANN69 Q&A session, Nigel Roberts informed the ccNSO Council, ccNSO Membership and the Nomination Process Manager that he withdrew his name for consideration for the Board Seat 12 term which starts in October 2021. Consult Nigel's notice [here](#).

5. Elections

5.1. Start of the elections

Following Nigel's withdrawal, there was only one remaining candidate: Katrina Sataki. 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 Candidates
- Information on how the election will be conducted
- Election opening and closing dates.
- Candidate statements as submitted by the candidates
- A recording to the ICANN66 Q&A session with the ICANN Board Seat 11 candidates
- The timeline approved by the ccNSO Council
- The relevant guideline

The election started on Wednesday, 4 November 2020 (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 Wednesday, 18 November 2020 (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 19 November 2020.

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 172 members of the ccNSO, 91 members (53 %) casted their votes: Katrina Sataki received 82 votes, whereas 9 members voted for "None of the above". There were no members that voted without selecting any of the options.

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 Manger 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 review the [Guideline: ccNSO Nominations Process ICANN Board Seats 11 and 12](#), and to replace the placeholders once possible.

Observation 3

As noted, some of the Councillors were perceived to have a possible conflict of interest. Neither the [Guideline: ccNSO Nominations Process ICANN Board Seats 11 and 12](#), nor any other ccNSO document provides any guidance on how to deal with such a situation.

Advice:

The Council is advised to request the Guideline Review Committee to develop and propose guidance on how to deal with (perceived) conflict of interests and to provide guidance to the Nomination Process Manager.

7. Links

- [Election Results](#)
- [Election Notice: Board Seat 12 \(29 October 2020\)](#)
- [Candidate list ICANN Board Seat 12](#)
- [Board Seat 12 nominations – extension acceptance deadline and revised timeline. \(8 July 2020\)](#)
- [closure: call for nominations ICANN Board Seat 12 \(1 July 2020\)](#)
- [Call for Nominations ICANN Board Seat 12 \(8 June 2020\)](#)
- [Heads up: Call for Nominations for one Director to the ICANN Board Seat 12 starting soon \(26 May 2020\)](#)
- [Archive for nominations and secondments](#)
- [Relevant ccNSO guideline](#)
- [Timeline \(v2\)](#)
- [Timeline \(v1\)](#)
- [Article 7 of the bylaws: Board of Directors](#)
- [Article 10 of the bylaws: country code Name Supporting Organisation](#)
- [Katrina Sataki: candidate statement](#)
- [Nigel Roberts: candidate statement](#)
- [Nigel Roberts: withdrawal letter](#)