

RSSAC Input on Bylaws Amendments and Documents to Implement the NomCom2 Review 31 May 2023

1 Background

On 17 April 2023, ICANN Board published a public comment proceeding on Bylaws Amendments and Documents to Implement the NomCom2 Review.¹ This statement represents the RSSAC’s full input to that public comment proceeding.

The RSSAC welcomes this opportunity to comment on the Bylaws Amendments and Documents to Implement the NomCom2 Review, and would like to thank the NomCom2 Review Implementation team for working on the implementation of recommendations coming out of the second organizational review of the ICANN Nominating Committee.

Following the publication of the draft final report² of the second organizational review of the ICANN Nominating Committee, RSSAC published RSSAC035: RSSAC Statement on the Draft Final Report of the Second Organizational Review of the Nominating Committee on 7 May 2018.^{3,4} The RSSAC agreed with the finding that, “[t]here is concern over the role and participation of non-voting members.”

2 Considerations

The RSSAC supports Recommendation 9, which states that, “[a]ll NomCom members should be fully participating and voting members, except for NomCom leadership.” Therefore, RSSAC supports all Bylaws amendments proposed in Article 8.2.

Furthermore, the RSSAC identified, with the adoption of the proposed Bylaws amendments in Article 8.2, a circular relationship between RSSAC appointing a voting delegate to ICANN Nominating Committee; Nominating Committee selecting ICANN Board Directors; and ICANN

¹ See Bylaws Amendments and Documents to Implement the NomCom2 Review, <https://www.icann.org/en/public-comment/proceeding/bylaws-amendments-and-documents-to-implement-the-nomcom2-review-17-04-2023>

² See “Independent Review of the ICANN Nominating Committee: Draft Final Report” (March 26, 2018), <https://www.icann.org/en/system/files/files/independent-review-nomcom-report-draft-final-26mar18-en.pdf>

³ See “RSSAC035: RSSAC Statement on the Draft Final Report of the Second Organizational Review of the Nominating Committee”, <https://www.icann.org/en/system/files/files/rssac-035-11may18-en.pdf>

⁴ The (non-draft) Final Report was subsequently published on June 5, 2018 after RSSAC’s adoption of RSSAC035. The text of the relevant finding (“Finding I”) and the accompanying Recommendation 9 in the Final Report is identical to the text in the Draft Final Report. The accompanying explanatory text in the Final Report is substantially similar to the Draft Final Report.

Board confirming the Root Server Operator appointments to the RSSAC. To address this circular relationship, RSSAC requested amendments in Article 12.c.ii of the ICANN Bylaws.

The RSSAC welcomes the fact that these requested amendments are now being proposed via this public comment proceeding and supports the Bylaws amendments proposed in Article 12.c.ii.