

EURALO request to ALAC on At Large Board Director Election Process
20/10/2010

Dear Colleagues,

At the EURALO Conference call 19 October, the issue of timing for the At Large Board Director Election Process took most of the debate time. In fact, it became the most important issue, prompting the other issues to be re-scheduled for our next EURALO Conference call.

We are writing to you with regards to the proposed schedule for the election of the At Large Selected Board Position.

The schedule which appears to have been proposed is:

- 28 October 2010: Board Meeting, where the Board is expected to approve the Bylaw changes, and if so:
- 3 November 2010: BCEC is scheduled to announce the slate of 3-7 candidates retained for election
- 3-12 November 2010 (10 days): candidates able to reach out to the At Large community (campaigning)
- 15-19 November 2010 (5 days): Election takes place

With the person selected expected to be able to participate in the Cartagena meeting (starting for the board on Saturday December 4, or perhaps earlier) and to take their place as a voting Director on Friday December 10.

EURALO is of the opinion that as so much effort has gone into making the process of selecting the At Large Director as transparent, inclusive and democratic as possible, it would be a grave error to risk having this good work undermined at the last moment by having to rush to meet externally imposed deadlines.

We propose writing to the Board to inform them that the lack of timely necessary changes to the bylaws has caused delay to the At Large process of selecting the voting Director. Given the very short time remaining after the Board's anticipated decision of 28 October 2010, the ALAC is concerned that it cannot, in good faith, select a person to this important position in time to enable them to take their seat at the end of the 2010 AGM."

It is understood that the period 12-15 November (4 days) might be used for any RALO election process. If added to the 5 days scheduled for the election, this provides a total of 10 days for voting - assuming voting can be considered legitimate when candidates have barely had a chance to present themselves.

We note that missing from the timeline is the opportunity for candidates not on the slate recommended by the BCEC to petition the At Large to be included on the final slate of candidates. As it would not be appropriate for some candidates to be campaigning while others were attempting to join the democratic process,

the petition period will require an additional number of days (how many, to be decided).

We refer you to the At Large January 2010 White Paper Recommendation 4:

"The Board seat should be selected by the ALAC plus the RALO Chairs. The RALO-appointed ALAC members and the RALO Chairs may be directed by their ALSes if the RALO desires (and in accordance with their RoP). This methodology gives ALSes large control over who is selected, without the complexity of two-level vote weighting and centralized ALS elector verification. The vote should be by secret ballot."

In the interest of empowerment of our ALSes, it is the desire of the EURALO Board to conduct a vote of our ALSes directing the EURALO Chair on his vote. The opinions of the ALS will also inform the ALAC members, both those selected by the RALOs and the NomCom appointees. We also consider it important that all At Large members have the opportunity to consider each other's opinions on the candidates, it is important that we strive for consensus across the At Large and not just in regional silos.

Whilst no minimum vote timing is defined in the EURALO Rules of Procedures, clause 11.18.1 of the EURALO by-laws states that a sufficient amount of time is required for all members to record a vote on any matter. It is therefore good practice to provide at least 10 days of voting time for our ALSes. This appears to be clearly incompatible with the currently proposed ALAC schedule of only 4 days' voting time.

Whilst we understand that the proposed schedule takes into account a number of constraints in order to allow the At Large elected Director to take their seat on the last day of the Cartagena Meeting on Friday, 10 December 2010, we consider it unwise to hurry the process at the possible expense of a legitimate vote. ALSes need to be informed in time. Campaigning needs to be given enough time for Question/Answer sessions. Volunteers in ALSes need to find the time to make a sound decision for what is arguably one of At Large's most important decisions of recent years.

We therefore suggest the following course of action:

* We recommend that the At-Large Board Selection Design Team is asked to quickly make a proposal for the appropriate way forward and to present a timeline for the selection process. We recognize that time is short and the design team may not have time to consult in depth with the RALOs, but should ask the respective RALO officers to reply to their respective members of the design team by end of Monday October 25 so there is time to inform the Board before their meeting on October 28.

~~the voting process be given more time, beyond the 15-19 November period. An extension of the Election until 30th November 2010 would provide more time~~

for ALSes to cast their vote. Indeed, we believe that it would provide greater legitimacy to the process, thanks to a truly bottom-up empowerment. It will allow for voting time to fall closer in line with other ICANN processes requiring public input. We emphasize this further than standard procedure: it is a matter of credibility to our members and to the At Large community.

The Board will be informed of the problem the ALAC and RALOs are facing given the delay to the changes in the bylaws, and that the ALAC does not expect to be able to provide the name to the the selected At Large Director in time for them to be seated at the end of the AGM in Cartagena. ALAC will ask the Board to amend the by laws so that the person, when selected, will be able to join the Board alongside the existing ALAC liaison as an additional non-voting member, acting with the same privileges and restrictions as the current board liaisons. The person will then take their voting seat six months after the AGM and commence their three-year term. At that time, the current ALAC liaison will step down.

* ICANN should be informed that an At Large Elected Director taking its seat on the Board after the end of the Cartagena meeting might not be able to make it to the meeting in person due to VISA issues, and provisions should therefore be made for that person to participate remotely, by Webcam or other appropriate means.

* A-Led by the design team, but with contributions of any and all At Large participants, a clear and concise explanation of the voting process and schedule should be published as soon as possible, with an explanation of the procedure for a RALO petition (if required) including a flow chart to help ALSes understand how the process will take place. A further explanation of the multiple round voting should be detailed, bearing in mind the possibility of RALOs needing to call upon their membership between each election round. Should ALS balloting by RALOs not be possible for each voting round, this should be explained as soon as possible in order for RALOs to devise alternative voting strategies at short notice (weighted voting being one possible solution)

Thank you for your consideration on this very important subject. Getting this process right is of particular-very great importance since it has a direct impact on the legitimacy of At Large and the At Large elected Board Director. Whilst we do not dispute the fact that it is important that an At Large elected Board Director takes their seat in Cartagena, we would like the process itself to be as equitable, transparent and credible to our stakeholders.

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