

## **Bylaw article 8.8 | Letter to ICANN legal**

Dear John

Recently the ccNSO Council has run into an issue regarding our NomCom appointee, and we would appreciate your opinion on the question.

We had selected for our NomCom ccNSO appointee an individual who is also a ccNSO Council member. However upon subsequent close review of the Bylaws we considered that the appointment was problematic and at risk of breaching the Bylaws. The relevant provisions are set out in Section 8.8:

***“Section 8.8. INELIGIBILITY FOR SELECTION BY NOMINATING COMMITTEE***

*No person who serves on the Nominating Committee in any capacity shall be eligible for nomination by any means to any position on the Board or any other ICANN body having one or more membership positions that the Nominating Committee is responsible for filling, until the conclusion of an ICANN annual meeting that coincides with, or is after, the conclusion of that person's service on the Nominating Committee.”*

If we read this section correctly, our representative to NomCom would not be eligible to re-stand as an elected member of the ccNSO Council at the end of their term next year.

Going forward, the ccNSO Council would appreciate your opinion on the scope of Section 8.8 to ensure the ccNSO internal selection procedure will be aligned with the Bylaws again, specifically:

Does the proper construction and understanding of Bylaws Section 8.8 restrict the ability of the appointee to stand for (re-)election to the ccNSO Council? Would it make a difference if this person was selected by the ccNSO members or appointed by NomCom?

Any guidance you are able to provide on this specific question, or indeed more generally, would be gratefully appreciated.

Best regards,  
Alejandra Reynoso  
Chair of the ccNSO Council