**NCUC Bylaws – Charter Cheat Sheet**

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**I.** **Constitution**

NCUC, part of GNSO, member of NCSG according to Article XX, Section 5 of the Bylaws of ICANN

Purpose:

1. To represent the views and interests of those who engage in noncommercial speech and activity on the Internet.
2. Created to provide a voice and representation in ICANN processes to non-profit organizations and individuals that serve non-commercial interests and provide services such as education, community organizing, promotion of the arts, public interest policy advocacy, children’s welfare, religion, scientific research, human rights and the advancement of the Internet as a global communications system for all segments of society.

#### ****II.**** ****Organization and Structure****

#### Three distinct parts: the Membership, the Executive Committee (EC) and the Policy Committee (PC).

1. Membership consists of organizations and individuals
2. EC, directed by the Chair, are responsible for the administration of the Constituency
3. Policy Committee chaired by the Constituency’s elected GNSO Council Representatives

#### ****III.**** ****Membership****

1. Eligible organizations:
   1. Incorporated as a non-commercial entity
   2. Operate on a not-for-profit basis primarily for non-commercial purposes (if unincorporated or operating in a country without provisions for non-commercial incorporation
   3. Exclusive user of at least one domain name
   4. Engage in activities that are primarily non-commercial
2. Ineligible organizations:
   1. Political orgs
   2. Commercial orgs
   3. Orgs that provide services under contract or MoU with ICANN or represent ICANN
3. Steps to join NCUC
   1. Complete an application form
   2. Submit the filled out form and fee to the Secretary-Treasurer of the Constituency
   3. Designate an Off Rep and any Additional Rep to the Constituency
   4. Membership is complete upon notification of acceptance by the Constituency Chair
4. Each member must appoint an off rep. Off rep will hold the powers to vote and speak for member
5. Members can change their Official Representative in two ways:
   1. the Director of the Member Organization can notify the Secretary of the change; or
   2. the existing Official Representative can resign and submit to the Secretary the name of the new Official Representative
6. If an Official Representative holds an elective office in the NCUC, Members cannot change their Official Representative until the individual’s term of office is completed
7. Additional reps cannot vote, but can participate in discussions etc. on the listserv.
8. EC creates procedural rules for members to maintain good standing
9. Members Participation rights:
   1. Elect Chair and Regional Reps
   2. Initiate a PDP by proposing a set of terms of reference and obtaining expressions of support for it on the public discuss list from a minimum of 8 Members, including the proposer
   3. Be given timely notice of all position papers developed by the PC on the public list and afforded an opportunity to comment on them
   4. Submit agenda items at least 10 days before meeting and seconded by 2 members to Constituency meetings and Executive Committee meetings
   5. Propose charter amendments: needs 5% of current members
10. Eligible Individual(s):
    1. has registered domain name(s) for personal, family or non-commercial use
    2. Individual Internet user who is primarily concerned with the public-interest aspects of domain name policy; not represented in ICANN through membership in another Supporting Organization or GNSO Stakeholder Group
    3. employed by or a member of a large non-commercial organization

#### ****IV.**** ****Executive Committee****

EC shall consist of the Chair, a Secretary-Treasurer (ST) and Regional Representatives (RR) (one for each of the geographic regions recognized by ICANN)

1. Election annually; except secretary treasurer appointed by EC
2. No more than 3 consecutive terms
3. Only official reps can be elected
4. Only 1 person per org or must be from different chapters of same org.

Chair Function: overall administration of the Constituency, Prepare budget requests

Decide on applications recommended by ST or pass to EC for review, general communication with ICANN apart from policy committee responsibilities, establish ballots for voting, organize and chair const. meetings, In the event of a tie vote on the EC, the Chair shall act as tiebreaker.

RR Function: Recruiting new members from their regions, help regional members understand ICANN, Vote on the EC (EC votes called for by the chair must be responded to in 10 days; RRs who fail to vote within that time limit four times in a row are considered to have resigned their office), ensure regional members respond timely to notices etc.

ST Function: ST selection must be approved by a majority vote with at least three members voting. If three EC members fail to vote within two weeks of the nomination, the Chair shall appoint the ST.

1. Membership Applications:
   1. process membership applications
   2. research applicant organizations
   3. provide an initial recommendation to the Chairman regarding membership eligibility
   4. responsible for collecting dues and any other appropriate fees
2. nonvoting member of the EC
3. expected to participate in all EC meetings

EC Function:

1. Hold official meetings at least four times a year
2. Establish, revise and change procedural rules
3. Approve all ballots for online elections
4. Review and approve by voting the budgets submitted by Chair
5. Handle appeals of initial Membership decisions made by the ST, by majority vote, with at least four members voting
6. Appoint the Constituency’s representatives to the ICANN Nominating Committee by majority vote, with at least four members voting
7. Appoint the Constituency’s representatives to the Public Interest Registry Advisory Committee (.ORG) by majority vote, with at least four members voting
8. Appoint a delegate(s) to serve on the NCSG Executive Committee – will have be non voting capacity in NCUC PC and EC

#### ****V.**** ****The Policy Committee****

Function: responsible for determining and representing the positions of the Constituency on matters of domain name and ICANN policy and procedure to the GNSO, the GNSO Council, and other ICANN policy committees, working groups, advisory committees, and policy forums

GNSO Council Representatives:

1. Elected for two-year terms - NCSG may determine which terms shall terminate in an even- or odd-numbered year.
2. Shall not be on the Executive Committee
3. Not from same org or different chapters of same org

#### VI. Voting

1. Announcement to the Constituency regarding elections shall take place within 45 days of their commencement
2. Agendas shall be published within 14 days of the meeting
3. Calls shall be announced within 7 days of their scheduled time
4. Chair shall publish on the web site a list of the Official representatives of each Member Organization in good standing 30 days prior to the election.
5. The following individuals are ineligible to serve as the Official Representative of their organization (for the purposes of voting):
6. An individual who holds the power to vote in another constituency or on the ICANN Board.
7. An individual who holds any form of permanent or temporary paid position with ICANN, including independent contractors who have served ICANN in paid positions within the last six months – if it applies Chair will

Large and small organizations –

Small orgs: current membership under 1000 people, or under 200 employees; 1 vote

Large Orgs: current membership of 1000 or more people or employment of 200 or more employees shall have two votes

Electing Representatives From Different Regions and Different Organizations

1. The person with the most votes wins
2. The person with the second highest number of votes – from a different geographic region and different organization – wins the second slot and so on

For the purposes of election, different chapters of the same organization, regardless of their voting status, are considered the same organization

Individual members are entitled to have one vote

#### VII.  Leaving Office

1. EC or PC officer may submit resignation in writing to Chair
2. If Chair resigns, EC to select from within an interim chair within 2 weeks. If term is greater than 6months new election to take place
3. EC officer is considered resigned if fails to vote 4 consecutive times in EC votes
4. GNSO CR is considered resigned if fails to vote in person or proxy 3 consecutive council meetings
   1. In above, Chair may appoint new temp replacement taking into account regional geographic diversity

#### ****VIII.**** ****Changes to this Charter****

1. Changes may be proposed by the Executive Committee or by petition of Members
2. It needs a petition of ten 10% of the then-current members for it to be put on the ballot for consideration at the next regular election OR
3. EC by majority vote may propose an amendment for consideration at the next regular election

Charter amendment shall pass if at least two thirds of the votes cast in the election favor its adoption (provided 40% or more of the eligible Voters cast a ballot in the election).

With 3 or more chapters of the same org, the Chair together with the EC can decide to amend the carter temporarily to limit, in a nondiscriminatory manner, the membership eligibility of chapters of the same organization, if there is a sense that this is intentional to dominate the constituency. The amendment must be submitted to the membership for a vote at the next regularly scheduled annual election. Unlike other charter amendments, this one can pass with only a majority of those voting.

#### ****IX.**** ****Communications****

3 lists are maintained by NCUC: a discussion list, an announce list, and an EC list

Announce list if for only official reps and used for voting

Changes to official reps must be sent to the Chair 7 days prior to distribution of ballots

#### ****X.**** ****Dues****

1. Annually Chair to consults with EC to decide on level of dues
2. Dues will be set for small and large orgs by 2/3 EC vote
3. Appropriate procedure for waiver and reductions will be set by EC along with the decision on dues
4. Chair hears the waiver and reduction requests and makes decision
5. EC may consider appeals made with regards to waiver of dues
6. New members to pay 2 years of dues at joining
   1. New Small orgs to pay 50USD
   2. New large orgs to pay 100USD
7. Altering membership dues does not warrant a charter revision
8. Decision on dues can be superseded by a majority EC vote
9. IF member does not pay due – no vote, no running for office
10. Orgs whose GDP per capita below US$10,000 are eligible to apply to the EC for a waiver or reduction of the membership fee. Such applications must contain information about the budget of the organization

**XI.** **Transparency**

1. Activities will be public where it is appropriate, feasible and not contrary to the best interests of the constituency
2. In-person meetings will be open to the public where it is appropriate, feasible and not contrary to the best interests of the constituency
3. Chair may on discretion suspend any non-member’s access to NCUC constituency and deliberations for portions of, or for the entire duration of meetings and deliberations