

Report of the 2010 APNIC Executive Council Elections

August 2010

The APNIC Executive Council Election Review Panel has been tasked by the Executive Council of APNIC with preparing a factual report of the events of the APNIC EC Election of March 2010. The following report has been assembled using the video recordings of the APNIC 29 Meeting, and from the responses provided to the Review Panel in response to the Panel's call for submissions that was conducted in June and July 2010.

The EC Election Process used by APNIC

The role of the Executive Council is described in Part V of the APNIC By Laws.

The procedures relating to the conduct of the election process is described in paragraphs 32, 33 and 34 of the By Laws. Paragraphs 20, 21 and 22 describe proxy votes. Voting is described in paragraphs 23, 24 and 25. Counting the votes is described in paragraph 13.

A summary of the salient points of the APNIC By Laws are that:

- nominations must be received between 8 to 2 weeks prior to the date of the AGM
- sitting EC members may stand for re-election
- instruments appointing a proxy for the purposes of voting must be received by APNIC no later than 48 hours before the time for holding the meeting
- electronic votes must be cast at least no later than 48 hours in advance of the date and time of the meeting
- at any meeting of the Members the Executive Council shall be responsible for the counting of votes in such manner as it considers appropriate in the circumstances, and may for this purpose appoint 2 or more persons to serve as tellers.

The 2010 EC Election Process

The operation of the election procedure was managed by the APNIC Secretariat, with George Kuo and Connie Chan of the APNIC Secretariat being responsible for the operation of the Secretariat's role in the election encompassing the production of election material, the provision of public notices and the preparation of the ballots and the distribution of ballots and supervision of the ballot box during the election.

The timetable used for the 2010 EC Election was as follows:

Nomination Period Opened	8 January 2010 (8 weeks prior to the Member Meeting)
Nomination period Closed	17 February 17:30 UTC+10 Brisbane time (2 weeks before the Member Meeting)
Candidate List confirmed	18 February 2010
Proxy Lodgement Opened	19 February 2010 (10 working days prior to the Member Meeting)
Online Voting Opened	19 February 2010 (10 working days prior to the Member Meeting)
Proxy Lodgement Closed	3 March 2010 09:00 UTC+8 (48 hours prior to the Member Meeting)
Online Voting Closed	3 March 2010 09:00 UTC+8 (48 hours prior to the Member Meeting)
Onsite Voting	5 March 2010, 09:00 – 14:00 UTC+8

Members could vote in the EC election in one of three ways:

1. Lodging an online vote via the MyAPNIC portal during the online voting period.
2. Allowing a third party to vote on the member's behalf by lodging a proxy form with APNIC no later than 48 hours prior to the commencement of the member meeting.
3. Attending the APNIC Member Meeting in person and registering to vote at the registration desk.

The Nominations Process for Candidates

The EC Nominations process was managed by Connie Chan of the APNIC Secretariat. Upon receipt of a nomination, the nominee was contacted via email requesting an acceptance of the nomination, and providing the candidate with a pointer to the APNIC EC Handbook. The EC Handbook describes the role responsibilities of individual EC members under the terms of the APNIC ByLaws and Australian Corporate Law.

Upon receipt of acceptance of the nomination, the candidate's name was added to the list of candidates, and the nomination details, including biographical information, nomination statement and nominee's statement, was added to the APNIC website.

Election Candidates

At the end of the nominations period six candidates had agreed to stand for election for the three vacant positions on the Executive Council of APNIC. These candidates were:

- Ma Yan
- Vinh Ngo
- Akinori Marmura
- Ravi Shanker
- Che-Hoo Cheng
- Jonny Martin

Electronic Voting

George Kuo of the APNIC Secretariat configured the online voting section of the MyAPNIC portal to accept online votes from APNIC members for the period 19 February 2010 through to 3 March 2010. In addition to entering the dates of the online voting period, George Kuo provided the system with the names of the individual candidates. Online voting was configured to close as of 09:00 UTC+8 on 3 March 2010.

After the online vote closed on Wednesday 3 March at 9:00 UTC+8, George Kuo followed the cross-check procedure for the election. George Kuo used reports from the online voting system. These reports include:

- The total number of online votes cast for each candidate.
- A report showing which member account and which user account has been used to cast an online vote for that member (but not the nature of the actual vote).
- An audit report sorted by date/time showing the source IP address of each online vote and the number of votes cast.

George Kuo used the report of members who have cast an online vote to compare with the list of members who have submitted a proxy authority. The member's proxy authority was voided if the member had also submitted an online vote. Also the member account of those

members who lodged an online vote was marked as having voted so that no paper ballots would be issued for that member at the member meeting.

On the afternoon of Thursday 4th March 2010 George Kuo printed the totals of the online votes using an administrative access path to the MyAPNIC system. Only one copy was printed of this report. The printed report included the totals of the votes for each candidate lodged by the online process, and did not list the individual APNIC members who voted, nor their individual votes. This report has passed to Connie Chan on Thursday afternoon, who held it in her possession overnight, then returned it to George Kuo on Friday morning.

George Kuo handed the printed report of the online vote totals to John Earls of the scrutineer group when the scrutineer group assembled to commence the vote counting soon after 14:00 on 5 March. It was the responsibility of the scrutineer group to include the online voting totals in this report into the vote totals.

Submission of Proxy Vote Authorities

APNIC members can appoint a third party (a "proxy") to exercise their vote on their behalf. In order to do this the member must lodge a proxy authority with the APNIC Secretariat no later than 48 hours prior to the commencement of the APNIC member meeting. The proxy is valid for On Site voting.

There are 3 ways in which this proxy authority can be lodged with the APNIC Secretariat:

- Via the MyAPNIC portal
- By printing and signing a proxy authority form and faxing it to the APNIC Secretariat
- By printing and signing a proxy authority form and emailing a scanned copy of the form to the APNIC Secretariat

In all cases the proxy authority is then entered into the APNIC Helpdesk ticket queue and processed by staff of the APNIC Member Services Area. The processing procedure involves validating the current status of the member lodging the proxy authority, and the validity of the member nominated as the holder of the proxy authority, and that the nominee is a registered meeting delegate. If the proxy passes this validation check the APNIC membership database is updated with the proxy transfer, and email notices were sent to both the member submitting the proxy authority and the proxy nominee informing that that the proxy has been processed

Following the close of the lodgement of proxies, which was 48 hours prior to the start of the member meeting, at 9:00am on Wednesday 3 March at the local time zone of the Kuala Lumpur venue (noted in the online election material as "3 Mar 2010 09:00 UTC+8 (KL time)"), no further proxy forms were accepted by APNIC staff.

Further proxy forms (15) were received at the APNIC Office following the deadline for the submissions of the proxy forms. Because these forms were submitted after the deadline, APNIC staff did not undertake the normal validation procedure for these submissions, nor did they attempt to resolve any issues in the proxy forms relating to confirmation of the identity of the member submitting the form, the validity of the authority of the submitter to act on behalf of the member, the accuracy of the submitter's record of the member's tier, and the validity of the individual to act as a proxy for the member. For these late proxy submissions a note was sent to the submitter of the proxy form in each case informing them that the proxy was submitted after the deadline, and that it would not be accepted by APNIC as a valid proxy for this election.

One of the individuals who submitted a late proxy, Rajesh Chharia, informed APNIC staff that:

"Its still 16.00 Hours KL time, and as per the guide lines mentioned last time is 09.00 UTC+8 means 17.00 hours of KL"

The response from staff indicated that:

"The proxy deadline was 9am KL time. UTC+8 is the time zone for KL."

APNIC staff referred the matter to the APNIC Director-General, Paul Wilson, who in an email to Rajesh Chharia wrote that:

"The deadline as announced below was intended to be read as 9am today, KL time. I take it that you understood the announcement to mean a different local time here in KL, and in this case I am very sorry about any ambiguity. If you would please kindly explain your interpretation of the timezone, then I will certainly report the matter to the APNIC EC and ask them for an extension of the deadline. Please understand that this is not a decision that I or Secretariat staff can make."

On the evening of the 3 March 2010, the EC was informed by Paul Wilson that a number of proxy authorities had been received by APNIC several hours after the announced deadline for the lodging of proxy forms on Wednesday 3 March. It was explained to the EC that APNIC Secretariat staff had rejected these late proxy nominations, as they fell outside of the deadline for lodgement, as advised to the membership in previous announcements. Paul Wilson asked the EC for a decision from the EC regarding the treatment of the late proxies, as the entire election was formally undertaken under the authority of the EC.

The EC conferred via email on the 4th March and decided via an electronic vote to confirm the rejection of those proxy authorities that were lodged with APNIC after 09:00 KL time on 3 March 2010.

On Site Voting Procedure

On 3 March and 4 March APNIC Secretariat staff processed the online voting records and the proxy authorities. If a member had voted using the online vote then any proxy authority that they had lodged was not valid for the On Site election. Similarly, an APNIC member that had voted online in the EC elections was not eligible to also vote On Site. The processing involved cross checking the list of members who had lodged an online vote and members who had lodged a proxy authority.

When APNIC member meeting delegates registered to vote on site on Friday 5 March, each registered voting delegate was handed one or more envelopes of paper ballots equal to the number of votes corresponding to the membership tier, plus the number of votes equal to the total of proxies that have been assigned to this member. The member was requested by the APNIC registration staff to open the envelope containing the ballots and confirm their acceptance of the ballots by signing a form to that effect that was attached to the envelope. The member was informed that the ballot box would be available for casting votes until from 9:00 am until 2:00 pm KL time.

As in previous years ballot papers were marked with 1, 2, 4, 8, 16, 32 or 64, indicating the number of votes associated with that ballot paper. The printed material provided with the ballot paper indicated that the member could swap a single large ballot for an equivalent number of smaller ballot papers if they so wished.

Counting the EC Vote

1. Call for Scrutineers

Shortly before 11:00 am Paul Wilson described the EC election process to the meeting:

Video: <http://webcast.apnic.net/meetings/29/apnic29-amm-03-wilson.mov>

Transcript: <http://meetings.apnic.net/29/program/amm/transcript#wilson-procedure>

The transcript of the APNIC Member Meeting relating to the call for scrutineers is as follows:

PAUL WILSON: "The normal procedure here is that we call for independent scrutineers. Volunteer who would like to offer their services to help to count the

votes, and this excludes anyone who is actually an APNIC Member or anyone who is voting, and I assume that we're excluding candidates as well who may correspond to APNIC Members. So, what we will do, I think, prior to lunch is call for scrutineers. Or should we do that now? Let's do that prior to lunch."

Shortly before 12:30 pm Paul Wilson made a call for volunteer scrutineers:

Video: *no video published of this part of the meeting*

Transcript: <http://meetings.apnic.net/29/program/amm/transcript#sanjaya-rescert>

The transcript relating to the call for scrutineers is as follows:

PAUL WILSON: I'd just like to ask if you can hear me? I'd like to mention and remind you - OK - I'd like to remind everyone who is voting in the election today that the ballot box will close at 2pm. So, please, have your ballot papers completed and submitted into the ballot box which is a blue prominent blue box at the registration desk outside by 2pm today local time at the latest. To remind you, you're electing three candidates only. So up to but not exceeding three clear crosses against the three chosen candidates, in order for your ballot paper to be valid and counted. The other thing that we need to do now is find a group of willing volunteers to act as scrutineers for this, to supervise this voting process and the counting process and to announce the results. Could I ask for volunteers who are neither APNIC Members nor candidates, nor nominees?

So, it seems that we have possibly more than we need. Not to be an APNIC Member, no?

Look, OK, it's far be it from me to select scrutineers but providing that all of you are qualified, according to the criteria, I would suggest that you assemble at some point for, for instance, in front of the stage here, and decide whether you are all, whether you're all needed and what your process will be? So, thank you. It may be that you don't, that more than say three people is not needed, but we'll leave that up to you to decide. I suggest you do that at the beginning of lunchtime, then take it from there. Thanks.

The volunteers who met at the front of the room were: John Earls, independent advisor to APNIC Executive Council, Molly Cheam, Secretary of the Asia Pacific ISP Association (APIA), Mark Dranse, RIPE NCC, Filiz Yilmaz, RIPE NCC, John Sweeting, ARIN Advisory Council, Narwesh Ajwani, Managing Director of One-Stop Services and Board Member of NIXI.

2. Assembling the Scrutineers

George Kuo met with this group at the front of the member room at 12:30 pm and provided them with the details of the room where the vote counting would take place, and that he would meet them at the close of the On Site voting period at 2pm at the registration desk and walk with them to the vote counting room when the ballot box was to be handed over for counting.

The Panel was informed that a candidate in the EC Election Jonny Martin, complained to Paul over lunch about the inclusion of Naresh in the group of scrutineers, and Paul directed Jonny to talk with the scrutineers and EC members about this issue.

During the lunch period (12:30 – 2:00pm) one of the scrutineers reported of an approach by at least one candidate, expressing concerns over the affiliation of Naresh Ajwani. The scrutineer further reported that as a consequence a subgroup scrutineers discussed the issue of eligibility, and the Panel understands that these scrutineers concluded that it was not within their mandate to decide upon the eligibility of any individual volunteer scrutineer.

At 2:00pm George Kuo and Connie Chan met with this scrutineer group at the registration desk and closed the ballot box. George Kuo handed over the ballot box to John Earls, one of the scrutineers. George and Connie walked with the vote counting group to the room where the vote counting was to take place. Connie handed a documentation pack, consisting of the APNIC document of "Procedures for election scrutineers", tally forms and a form for the final result to the scrutineer group. The group was also passed the online vote tally. The group was informed that George Kuo and Connie would remain outside the room to ensure that no other person entered the room while the count was taking place. .

When the six scrutineers entered the room with the ballots, George Kuo and Connie Chan remained immediately outside the room in a foyer.

3. Counting the Vote

On retiring to the room which had been set aside all bags were put at one end of the room and vote counting was to place at the other end of the room. The scrutineers initially read the rules/instructions. The scrutineers decided that they would split into two groups of three and every ballot counted by one group would be cross-checked by the other group.

At this stage Naresh Ajwani stood up and said words to the effect that he was not really there to count but saw himself in the role of observer. The group decided that all scrutineers were there to perform similar roles and requested that Naresh count votes in the same manner as all the other scrutineers. Naresh was reported to have agreed to this.

All the voting papers were split into two piles and then checked to see whether they were validly completed votes. Each pile was then swapped and confirmed by the other group. All votes were considered valid. All votes were counted twice.

4. First Interview with Naresh Ajwani

Following some exchange of mail messages the Kuo-Wei Wu of the EC requested the Executive Secretary of the EC, Geoff Huston, to talk to Naresh and discuss his suitability to be part of the scrutineer group. Kuo-Wei Wu accompanied Geoff Huston to the Vote Counting room.

Geoff requested Kuo-Wei Wu to return to the meeting, as he felt that it was an administrative matter and did not want to escalate this any more than necessary, nor directly involve EC members. He then request George Kuo to knock on the door of the scrutineers' room and call out Naresh Ajwani. When Naresh stepped out the vote counting group considered what to do, and decided suspend counting the votes to await Naresh's return or advice as to the outcome of the interview with Naresh. The remainder of the vote counting group acted to ensured that no papers were carried out by Naresh, nor were any papers carried back into the room upon his return.

Geoff informed Naresh that there had been a complaint to EC members that Naresh should not be part of the group counting the votes. The complaint was that has was associated with an APNIC member. Naresh informed Geoff that he was here at the APNIC member meeting as the CEO of One-Stop Services, and that this company was not a member of APNIC, and that, in this role, he met the criteria as stated to the meeting for being one of the individuals performing the vote counting. Naresh reported to Geoff that his association with NIXI was in a voluntary capacity, and he held no official position in NIXI. Naresh' name badge for the meeting also indicated the affiliation with One-Stop Services India. In the light of this information Geoff reported that he did not feel that he had any formal grounds to put to Naresh Ajwani that he was unable to be part of the group that counted the votes. Naresh Ajwani indicated that if Geoff felt that his participation as a scrutineer was inappropriate then there was another gentleman from

the Indian delegation sitting immediately outside the room being used to count the votes who could "take his place".

Geoff indicated to Naresh that given that his name badge indicated that Naresh was here representing a non-member of APNIC that Geoff felt that he had no formal grounds to object to his presence as one of the vote counters, given that he appeared to meet the criteria for being part of the group to count votes. Geoff did not explicitly provide his permission to Naresh to return to the room to count votes, as he felt that it was not within his role to provide such a permission, but indicated to Naresh that he did not feel that he had clear grounds to demand in the name of the EC that he must not continue to participate as a counter of the votes in the election.

Geoff then returned to the member meeting and reported this interview to Paul Wilson and the EC via email.

Naresh returned to the vote counting room where the process of counting the votes then began.

5. First Member Meeting Discussion

The afternoon session was interrupted by an objection to the EC Election procedure, lodged at the microphone by Che-Hoo Cheng

Video: <http://webcast.apnic.net/meetings/29/apnic29-amm-17-cheng-objection.mov>

Transcript: <http://meetings.apnic.net/29/program/amm/transcript#cheng-objection>

The transcript relating to the discussion in the member meeting reads as follows:

CHE-HOO CHENG: Sorry for interrupting the agenda here, as a candidate in the election, now I would like to ask about the list of scrutineers. I think the election process was mentioned very clearly before the election started. But it seems that it's not being followed strictly. So I would like to know the list of the scrutineers and I'm not quite comfortable with the current situation.

PAUL WILSON: Che Hoo, we don't have a list of the scrutineers. Could you describe the issue?

CHE-HOO CHENG: In the election process that was stated on the screen a few hours ago, it was clear that the scrutineers could not be an APNIC Member or any candidates, and I think, of course, I think it is related to a conflict of interest, but it seems to me, at least I heard, that someone is insisting to be a scrutineer, but the person has very clear conflict of interest. And can someone give me a clear picture?

PAUL WILSON: Geoff, I think you've been outside. Thanks.

GEOFF HUSTON: Thank you, Che Hoo. I have been informed about this concern and I did go and talk to the individual in question. He has indicated, sorry, in my role as Executive Secretary of the EC, I should note under the rules of the by-laws of this organization that the election is actually undertaken by the Executive Council and the voting counting is actually being done on the behalf of that council. The individual in question is carrying a name badge with an organization which is not a Member of APNIC and he is of the view that his role is not as a Member and therefore he satisfied the criteria as stated this morning as being one of the scrutineers. Without further direction as the Executive Secretary here, I feel unable, formally, to convey any objection to his being there given the criteria stated this morning.

But, as usual, as your Secretary, if I receive further advice, I will, of course, happily and cheerfully implement that advice. But at this particular point, I've been told by the individual that he apparently does not, he is not inconformant - in other words he conforms with the guidelines for the group selected for voting. I'd be happy to take any further advice on that the EC might like to offer me and I'm very sorry that this is happening.

JAMES SPENCELEY: Just a quick point of clarification. Is he connected with an APNIC Member? I understand that you could probably have multiple roles.

GEOFF HUSTON: The individual in question is on the address council as an APNIC representative and he's certainly part of our broader community. But I would like to say that the name badge he's carrying today, formally he's sitting here, or in part of our meeting here today not as a Member in terms of the name badge. I have no other information.

JAMES SPENCELEY: It would be good to clarify if he's an employee or of a Member? Is that relevant?

GEOFF HUSTON: I don't believe that that was a criteria stated this morning and I don't believe that I can actually answer that question. I don't have an answer, sorry.

KUO-WEI WU: But as we know, the guy is actually related to one of the candidates. If he's in there, the whole election process and the privacy would be exposed and it is very unfair for all of the Members on the floor and voting process be known, and that is no good. If I'm a Member, I don't want to let the people know who I vote for. At least it's not fair and it's bad behaviour. We should stop it or we really encourage people to do it again.

BRAJEST JAIN: I thought that this whole voting is confidential, so whether X is there or Y is there in the election, how shall this be made open? I don't understand that part. I still don't understand what the fuss is about? And why these other Members can be impartial and if one can be impartial, how can it be assumed? May I request the house to give an explanation? And this is, surely going into a clear bias being shown on the part of the, I'm afraid to say... the EC Member spoken just before me.

JAMES SPENCELEY: I'd just like to point out that due to the nature of the voting system, it is probably in a number of circumstances, quite obvious as to potentially who people voted for, if there's a very limited number of, say extra large Members. I think by nature, there could be connections drawn there. The other issue is that potentially, if there's somebody connected with a candidate there. I mean, it just calls the process into repute. Personal opinion.

GEOFF HUSTON: If I could directly respond to the question that was raised about why is there an objection? It is my understanding that the objection has been raised because an EC Member has reported, or a candidate has reported, sorry, a candidate has reported that they are of the opinion, or at least concerned, that a Member of APNIC is part of the voting process. And it is, that was what I was clarifying and I went and spoke to the gentleman and understood that he had represented to me that he was not here today in the capacity or a capacity of being a Member. Now, I have no further information than that, but that, I believe, was the nature of the concern voiced to me.

AKINORI MAEMURA: How should we handle this? I, myself, want to be apart from this discussion because I am a candidate.

GEOFF HUSTON: At this particular juncture, in terms of the delegation of chair responsibilities, I believe that the EC procedures would say that therefore it falls to the Secretary. If the Secretary wishes to recuse himself by being a candidate. Is that the case? Then Kuo-Wei Wu, I believe you are the next delegated office holder and if you would like to offer any view, I would happily convey it.

KUO-WEI WU: I would say this. From the process, we maybe need to know, to at least for the rest of the scrutineers know that it is unfair for every candidate. And it seems that in the Annual Member Meetings, and that the other Members on the floor have a right to decide if this is the right way to do or not right way to do. And I think I can raise the motion. As Members on the floor, we can make a decision here. So, is anyone, like to raise the motion and we can make a decision on the floor? I'm a chair. I'm asking the people in this situation how the APNIC Members, you want to do on these issues.

OWEN DELONG: Hurricane Electric. I think that the problem here with making a motion from the floor may be that virtually nobody on the floor has sufficient knowledge of the issue in question or the individual and/or his alleged relationship to which candidate. In order to know what motion to make.

KUO-WEI WU: Any further comment? I think basically, I would suggest this way, that right now we still have four eligible EC on the floor. And if the rest of the four EC agree and we can ask the Executive Secretary to do something to prevent this, participation happen.

JAMES SPENCELEY: As one of those four. Could I suggest that we possibly take this offline with the Executive Secretary and have a discussion with the person. Because I don't think that we have enough information.

KUO-WEI WU: OK, sure.

JAMES SPENCELEY: I would like to gain some more.

KUO-WEI WU: I think we will go and talk about it and then come back and report to the floor.

AKINORI MAEMURA: Thank you. Hold on please. Wait a minute please. I invite Kuo-Wei Wu as a chair here. No, I can not handle this.

DESI VALLI: Can I speak?

KUO-WEI WU: What do you want to comment?

DESI VALLI: Mr Hoo is the complainant over here, I have my apprehension with him being an complainant, as well as him being the chair of, whatever, the motion or whatever you call it. And there will be partial approach on, partiality on that because he is the complainant. Thank you very much.

KUO-WEI WU: I think we can make a motion here. If the APNIC Members on the floor, you agree eligible EC to take the action, you can vote yes here. Or the APNIC Member, you want to take your own action and that is another alternative. So I would like to raise the motion that the Members on the floor to decide, do you want the EC Members to take this action or the Members yourself, you want to take the action. I think this is the motion I would like to raise to the floor, to all of you.

JAMES SPENCELEY: I think the floor probably doesn't have enough information to make that decision. So...

KUO-WEI WU: OK.

JAMES SPENCELEY: Could I take five minutes and maybe speak and find out a little more about the issue and report back to the floor. Would that be acceptable?

KUO-WEI WU: OK, all right.

6. Second Interview with Naresh Ajwani

James Spenceley, Hyun-Joon, Kuo-Wei Wu and Geoff Huston left the member meeting to speak with Naresh Ajwani based on the discussion in the member meeting.

James Spenceley requested that the vote counting be suspended while Naresh spoke with the EC members. Again the vote counting group ensured that no papers were carried out of the room by Naresh. James then conducted the interview with Naresh. When explicitly asked if he was connected with an APNIC member Naresh responded that he was an employee of One-Stop Services, and this company was not an APNIC member. When asked if he was connected with NIXI, Naresh responded he was not an employee of NIXI, and that his association with NIXI was as a volunteer. He said that he was a member of the Board of Directors of NIXI (the organization who had fielded a candidate in the 2010 EC elections), but he was not paid by NIXI. When asked about other organizations that he was associated with who were also APNIC Members, Naresh said that he was the Secretary of the ISP Association of India (ISPAI), which was an unpaid position.

James Spenceley confirmed this information with Naresh and also asked if he could recount and summarise to the meeting room that: "Naresh is on the board of an a APNIC member and the Secretary of another APNIC member. He does not take a salary for those roles. He is on the board of one of those members with one of the candidates of the election."

Naresh agreed with this summarization, and asked that in recounting this to the Members Meeting,

that James mention specifically that he does not get paid a salary from these APNIC member organizations and volunteers his time.

The group then returned to the member meeting. Naresh chose to accompany this group, and did not return to the vote counting room.

The vote counting remained suspended at this point.

Subsequent checks with the APNIC Secretariat have revealed that while NIXI is a Member of APNIC, the ISPAI membership was taken out in January 2009, and was not renewed in January 2010, so that at the time of the election ISPAI was not a member of APNIC.

7. Second Member Meeting Discussion

Following the LACNIC report the meeting held an ad hoc session to discuss the EC vote:

Video: <http://webcast.apnic.net/meetings/29/apnic29-amm-20-wu-vote.mov>

Transcript: <http://meetings.apnic.net/29/program/amm/transcript#wu-vote>

The transcript relating to the objection reads as follows:

JAMES SPENCELEY: A couple of candidates have complained there may be a connection between one of the scrutineers and an APNIC Member. Based on that, we've just had a conversation with the scrutineer in question. That person has asked us to present the fact that they are employed by a company which is not an APNIC Member. Their badge is, in fact, not from an APNIC Member. They are, however, on the board of a company on a voluntary non-paid basis. So they don't take a salary from that company. However, they're on the board of an APNIC Member. And they are also on the Secretary of another APNIC Member. So they don't actually take salary from that. They take salary from their first position. However, that's their voluntary or non-paid positions. So, you know, I think probably the clearest way forward is for the chair to see if that's a conflict of interest and that's probably the best way to address this.

KUO WEI WU: So here I like to raise that as a chair. Does the floor agree this is a conflict of interest? If we say it's OK, then I think we are continue counting the vote, because right now we're stopping the counting. So if the floor say there's a conflict of interest, then we will discuss what is the following step we should take.

JAMES SPENCELEY: I should have taken notes. He also shares that position with one of the candidates. Either one or both of those voluntary board positions with one of those candidates, with one of the those candidates, sorry.

NARESH AJWANI: Hello, dear Members. Before anything started, Geoff had come as a representative of EC and asked me the details. I'm not an employee of Sify Technologies, not an employee of Internet and Mobile Association of India, I'm not an employee of NIXI. I serve all three bodies as a volunteer. I'm an employee of SV Teletek. That is a company that's not a Member of APNIC. I am not voted. My card is out here, it says very explicitly name of my company. But before the counting started, I proposed rather I repeated three times that I can withdraw. But Geoff felt, he doesn't feel that way, and I can continue. Three times I made an offer that I can easily withdraw right now but half the way, if somebody walks in like this, you can imagine what I must have gone through in terms of humiliation and in terms of feeling bad about the situation. I repeat, I have left it and I have requested them not to stop the voting process because of me, if anything stops, it's not something is my culture and the way I have been brought up. That's it. Thank you.

APPLAUSE

KUO WEI WU: So, for this issue, I like to hear the comment from the APNIC Members. Do you think this is, two things - we are continuing the voting, counting the vote. The second, is this a valid conflict of interest or not?

VINH NGO: A quick opinion for the Member, what I'm hearing so far I don't see

any provision whatsoever because if one, there's a risk in term of fraud, and, yes, I'm sure all Members will have a concern about, but due to the technicality, and even taking my nomination in to hand here, I don't see any problem. So I recommend just continue the counting. Thank you.

SKEEVE STEVENS: I believe with the, probably the not too clear requirements for the scrutineers, I think we need to go forward and not waste any more time. I think next time that we may just want to specify how detailed we want to go whether they're they're employees, volunteer or not. Directors of APNIC Members should probably not fall under the category of scrutineers, I don't think that's kind of relevant whether they're paid or not. I don't think there's fraud or bad intention involved and I think we should move forward quickly.

CVS SURI: Sify Technologies. Mr Ajwani is currently not an employee of Sify Technologies, and that's been so for some time. I stand here with goodwill and warmth and a great deal of admiration for the organizing team, in terms of the fantastic way they've run the proceedings over the last so many days. I think issues in the life of an institution, issues do come up once in a while and issues become opportunities for us to work them through and mature, going forward. That's an important point we need to keep in mind. In terms of the issue that was brought up here, I believe there are two points to consider. One is it's not only important to be transparent, it is also important to be seen to be transparent. I think that is a point that Mr Ajwani had made. Stating he has fulfilled all the regulations, the rules and stipulations that had been set down as a scrutineer.

The other part is maintenance of confidentiality. It's important that confidentiality be maintained and there are a number of ways in the counting process by which confidentiality can indeed be maintained. I think that's what the organizing team needs to consider and work out in terms of how to maintain confidentiality and move the process forward. Thank you.

GEORGE MICHAELSON: I have a comment from Jabber. Randy Bush, affiliation IJ, who is a Member, wishes me to state "For what it's worth, in my culture, this is a clear conflict of interest."

KUO WEI WU: As a temporary chair, I would raise the motion for the floor agree for two things. Things like the people already expressed. Let's continue counting votes. Second of all, I will, I will continue in the EC. We'll start to modify and tighten the PDP for the future election process. And as you know, this is the very first time for APNIC where we have such issue happen. But for the meeting continue going, I think we shall have some way to keep going and if you agree, I will let the Executive Secretary to tell them to continue counting the votes and our process can go on and if the people complain about this issue, we can do the PDP procedure in the next time.

Can I see your vote? If you agree to continue the counting the vote, please raise your hands?

Thank you.

If anyone has a strong oppose? OK. Geoff, can you help, please, thank you. Secondly, do you agree we should going to modify our PDP for election for the next time and try to avoid this kind of conflict of interest, happen again, happen in the future? If you agree to modify the PDP procedure next time, please raise your hand?

Thank you.

Any oppose?

I think we have a good consensus. So APNIC office, please put that in agenda in the next time we can modify this PDP. Thank you.

APPLAUSE

At this point Geoff Huston left the meeting and returned to the foyer of the room where the vote counting group were awaiting further instruction. Geoff informed the scrutineer group that they could resume the counting of the ballots. Naresh Ajwani did not return to the vote counting room and took no further part in the counting of ballots.

The discussion in the member meeting continued:

Video: <http://webcast.apnic.net/meetings/29/apnic29-amm-20-wu-vote.mov>

Transcript: <http://meetings.apnic.net/29/program/amm/transcript#wu-vote>

RAJESH CHARRIA: Internet Service Providers Association of India. I support the motion of modifying the PDP rules of the election because in this election, the deadline of the proxy was being mentioned, if you can read that line, it will be translated in to a different, different manner. Duvi, along with me, some other guys were confused. This is the time, 9 o'clock KL time, either 5 o'clock KL time. That's the reason I support this motion. The election rules should be modified.

AKINORI MAEMURA: Noted. Any comment from the EC or something?

KUO WEI WU: I think maybe APNIC office can explain a little bit, because that is, that is a complaint. As I know, the other candidates have a different opinion regarding for the proxy ending times.

PAUL WILSON: Since you asked, we have had a complaint from one Member regarding a, the issue of interpretation of the deadline for proxies. And we have noted that and we'll make sure that in future the clarification is that the deadline is as clear as we can make it. Thanks.

DESI VALLI: Since the discussion is about modifying the rules and regulations of the elections, I have a recommendation that I think we as the, the organization which is running Internet, I have no idea why we continue to have this manual process in a voting. We need to start elections conducted through Internet and we shouldn't be having this manual process. And such complaints and such issues, due to different interpretations may continue to happen. That's my recommendation. Thank you.

PAUL WILSON: I'd like to clarify for the sake for anyone in the room who may not be aware, but online voting is available and has been through MyAPNIC for quite some time. So that is an option that's available to every APNIC Member. There was a vote some time ago about the elimination of paper voting and that was a vote among the Members and that vote was defeated. So the current voting system is the subject, it is an approved system according to relatively recent decisions by the membership.

JAMES SPENCELEY: I was going to suggest potentially rather than address this issue around the voting procedures today, if we could schedule it for next meeting? And address it. There isn't an election at the next meeting. So we can adequately spend time on it and move forward with the program today.

The election result was announced prior to the formalities of closing the meeting:

Video: <http://webcast.apnic.net/meetings/29/apnic29-amm-22-yilmaz-result.mov>

Transcript: <http://meetings.apnic.net/29/program/amm/transcript#yilmaz-result>

AKINORI MAEMURA: Thank you. OK. Here I think the vote counting is done. So shall we take it immediately? Not me, but, Paul.

PAUL WILSON: Actually, I think the normally process for this group needs to announce the results, so fellas, if you're the designated person?

FELIZ YILMAZ: We counted the votes, and I'm going to tell you the results now. Total votes counted is 222. Total valid ballots, 222. Invalid ballots, 0. And candidates, got the first three votes, Maemura Akinori - 1,523. Che-Hoo Cheng - 1,444. And we have Ma Yan - 253

MAEMURA AKINORI: Thank you very much. APPLAUSE Thank you very much. Sorry.

FELIZ YILMAZ: Ma Yan is 1,253. Sorry. OK

Materials Used and Individuals Consulted in Preparing this Report

A number of individuals were contacted directly to provide their recollection and perspectives on the events associated with the APNIC 29 EC Elections. These included the members of the Vote Counting Group (John Earls, Filiz Yilmaz, Mark Dranse, Molly Cheam, John Sweeting and Naresh Ajwani), all the candidates who stood for election (Ma Yan, Vinh Ngo, Akinori Maemura, Ravi Shanker, Che-Hoo Cheng, Jonny Martin), the members of the APNIC EC (Kuo-Wei Wu, Hyun-Joon Kwong, Jain Zhang and Paul Wilson). In addition, a public notice was posted on the APNIC web site and on the APNIC-Talk mailing list to solicit responses from other interested parties.

Submissions were provided by the following individuals from APNIC Secretariat Staff: Connie Chan, George Kuo, Srinivas Chendi, Geoff Huston, Sanjaya

Other resources used to compile this report are:

- APNIC ByLaws:
<http://www.apnic.net/publications/media-library/documents/corporate/by-laws>
- APNIC 29 Election Web page:
<http://meetings.apnic.net/29/elections/ec>
- APNIC EC Handbook:
<http://www.apnic.net/about-APNIC/organization/structure/apnic-executive-council/EC-roles-and-obligations/ec-handbook>
- EC Meeting Minutes – 4th March 2010:
http://www.apnic.net/__data/assets/pdf_file/0019/20179/2010-03-04-ecminutes.pdf
- APNIC 29 Meeting Report
<http://meetings.apnic.net/29>

Attachment

Guidelines and Working Documents prepared by APNIC Secretariat for the group performing the vote count

APNIC Executive Council Election

Procedures for election scrutineers

Voting period

The voting period will commence as announced by the Chair of the APNIC members meeting. Prior to the close of the voting period, a final notice will be given by the Chair. The official voting period will be determined by these announcements. After the official close of voting, no additional ballot forms can be accepted.

Ballot box

Election scrutineers are asked to supervise the ballot box continuously during the voting period until the ballot box is opened for counting. At no time should the ballot box or the ballot papers, be left unsupervised by at least one of the scrutineers.

Counting

The attached counting procedure and tally forms are suggested to assist with the process of counting the ballot papers, but scrutineers may agree on any modifications to these procedures.

Announcement of result

A representative of the scrutineers will be asked to announce the election result to the APNIC member meeting. This announcement should include the total number of valid and invalid ballot papers that were counted, and the name and total vote count for each successful candidate. Details of unsuccessful candidates should not be announced.

After the announcement has been made, the total tally form, sealed ballot papers and tally forms should be handed by the scrutineer representative to the Chair of the member meeting. These will be removed by the APNIC Secretariat for subsequent destruction not less than 30 days after the meeting.

APNIC Executive Council Election

Suggested counting procedure

1. Check that all ballot papers are printed on green paper and have been stamped with a unique stamp.
2. Ballot papers should be separated into groups of equal value (i.e. 1 vote, 2 votes, etc).
3. For each group of ballot papers, a corresponding tally form should be used, and the voting value should be entered. This form shows the names of all candidates in the election (Column A).
4. A scrutineer should count each ballot paper by making check marks on the tally form to correspond with those on the ballot paper (Column B).
5. While counting each ballot form, the scrutineer should verify that the form is of the correct value for the tally form in use, and that it is valid. A tally mark should be entered into the second table for each valid or invalid ballot form.
6. After counting all forms in the group, the total number of check marks that have been recorded for each candidate should be entered (Column C).
7. The onsite votes for each candidate should be calculated by multiplying the number of check marks by the voting value of the tally form (Column D).
8. After each group has been counted, the tally form should be validated by another scrutineer, who should then sign it. It should then be attached to the group of ballot papers.
9. After all groups are counted, the tally form totals for each candidate should be entered into the total tally form.
10. Refer to the Online Voting Report, enter the total number of online votes for each candidate into the total tally form.
11. The total vote for each candidate should then be calculated by combining total votes from tally forms and total online votes.
12. The total tally form should then be validated and signed by another scrutineer.
- 13.** After the total tally form has been completed, all other ballot papers and tally forms should be sealed in an envelope for archival storage.

APNIC EC Election Tally Form - 2010

For ballot papers of value equal to: ____ **Votes**

Note: Please confirm validity of each ballot paper counted.

Signature of scrutineer: _____

Column A	Column B	Column C	Column D
Candidate	Tally marks (place one tally mark here for each check mark on each ballot form)	Total tally	Total votes
Ma Yan			
Vinh Ngo			
Maemura Akinori			
Ravi Shander			
Che-Hoo Cheng			
Jonny Martin			

Validity	Ballot paper tally	Total
Valid ballots		
Invalid ballots		

APNIC Executive Council Election - 2010

Result announcement

Total ballots counted	
Total valid ballots	
Total invalid ballots	

Three successful candidates	Total vote count for each successful candidate

Signature of scrutineer: _____

Name of scrutineer: _____