



# E'Dbendaagzijig (Citizenship) Collaborative Process - Backgrounder



## Collaborative Process on the Second-Generation Cut-Off and the Section 10 Voting Thresholds

### Issue 2: The Section 10 voting thresholds

The Section 10 Voting Thresholds issue refers to the double majority vote required for First Nations to transition from Section 11 to Section 10 under the Indian Act. When transitioning to Section 10, First Nations can take control over their membership by establishing their own rules and codes. The introduction of Bill C-31 in 1985 created two options for controlling band membership: Sections 10 and 11 of the *Indian Act*, making registration and membership distinct.

For a First Nation to transition to take control of their membership under Section 10, specific requirements must be fulfilled, particularly obtaining consent from eligible electors. Currently, consent is obtained only upon meeting a 'double majority' voting threshold. This means a majority of eligible electors must participate in the vote, and of those, a majority must vote in favour.

Only two First Nations have successfully completed the process in the past ten years. This is partly due to challenges in meeting a double majority voting threshold. As a potential solution to the second-generation cut-off may result in an additional 225,000 (or more) newly entitled individuals over time, it is necessary to consult whether an amendment to the existing structure and process is desired. An influx of new members will likely make it more difficult for bands to gain the consent of their eligible electors to transition to Section 10, as per the current double majority voting thresholds rules.

Source: *Indigenous Services Canada (ISC)*

<https://sac-isc.gc.ca/eng/1706281094364/1706281216732>

