CBA Alberta Referendum Info Hub

Referendum Rules & Changes

How Alberta's Referendum Rules Have Changed 2023–2026

A brief for CBA Alberta's Referendum Info Hub: history, current law, and practical takeaways.

I. PURPOSE AND SCOPE

This document addresses seven statutory and regulatory amendments enacted between December 2023 and April 2026 that have materially altered Alberta's referendum framework. These changes affect who may place a referendum question on the ballot, the procedural requirements for doing so, whether government is required to act on a referendum result, and the administration of the vote itself. It also summarizes the current legal framework, traces the relevant legislative history, and identifies practical implications for CBA Alberta members. It does not address the substance of the ten questions appearing on the October 19, 2026 ballot, which are addressed elsewhere.

II. RELEVANT LEGISLATION

List Legislation

- *Alberta Taxpayer Protection Act*, RSA 2000 c A-36 (consolidated, in force)
- *Alberta Pension Protection Act*, SA 2023 c A-29.5 (consolidated, in force)
- *Citizen Initiative Act*, SA 2021 c C-13.2 (consolidated, in force)
- *Citizen Initiative Regulation*, Alta Reg 54/2022 (consolidated, in force)
- *Election Finances and Contributions Disclosure Act*, RSA 2000 c E-2 (consolidated, in force)
- Government of Alberta, *Election Statutes Amendment Act, 2025* — Fact Sheet
- Government of Alberta, *Justice Statutes Amendment Act, 2025* — Fact Sheet
- *Referendum Act*, RSA 2000 c R-8.4 (consolidated, in force)

Published on September 1, 2026

- *Referendum (General) Regulation*, Alta Reg 252/2020 (consolidated, in force)

III. BACKGROUND: NATURE OF REFERENDA AND PATHWAYS TO THE BALLOT

A referendum's legal effect depends on the statute, regulation, or order under which it is conducted. Four pathways currently exist to hold a referendum:

- **Standing Constitutional-Referendum Authority** — the *Referendum Act* has long permitted the Lieutenant Governor in Council ("Cabinet" or "the LGIC") to order a referendum on any question relating to the Constitution of Canada. This is the oldest of the four pathways. Four of the 2026 constitutional-amendment questions, as well as the independence-process question, were ordered under this authority.

- **General Public-Interest Authority** — Cabinet may now order a referendum on any matter it considers to be of public interest, whether or not the matter is constitutional in character. This is the broadest and newest of the four pathways. The five non-constitutional questions ordered for 2026, including questions concerning immigration and election security, appear to have been ordered under this authority.

- **Citizen-initiated Petition** — any elector may propose a legislative, policy, or constitutional question and, if the Chief Electoral Officer issues a petition, collect signatures within the applicable statutory period. This is the pathway that has undergone the most significant change since 2023.

- **Statutory Precondition** — the *Alberta Taxpayer Protection Act* and *Alberta Pension Protection Act* each prohibit the introduction or advancement of specified legislation — respectively, legislation creating a sales tax or increasing income tax, or legislation withdrawing Alberta from the CPP — unless a referendum on the relevant question has first been held.

The referendum result is not self-executing A result is not binding unless binding status is expressly provided for in the applicable statute or order. Even where a result is described as binding, that obligation extends only to action within the government's constitutional and legislative competence. For constitutional questions, s.4(3) of the *Referendum Act*, unchanged in substance since 2020, provides that government is not required to implement even a binding referendum result if implementation would contravene sections 1 to 35.1 of the *Constitution Act, 1982*. This is consistent with the Supreme Court of Canada's holding that a referendum result cannot, by itself, amend the Constitution or effect secession. Elections Alberta administers referenda under the *Referendum Act*, which incorporates *Election Act* procedures by reference. Where a referendum is ordered in conjunction with a municipal election, however, administration is carried out by the applicable local authorities.

The Chief Electoral Officer is an independent officer of the Legislature.

IV. LEGISLATIVE EVOLUTION, YEAR BY YEAR

A. 2023 — New Referendum Preconditions

1. *Alberta Taxpayer Protection Act*, (SA 2023 c6, December 7, 2023)

- Expanded the existing referendum requirement for a provincial sales tax to include increases to personal and corporate income tax.

- Practical implication: legislation increasing income tax, like legislation imposing a new sales tax, may not be introduced until the relevant referendum result has been announced, regardless of the outcome.

2. *Alberta Pension Protection Act* (SA 2023 c A-29.5, December 7, 2023)

- Requires a referendum before Alberta may withdraw from the Canada Pension Plan and establishes minimum benefit and contribution standards for any provincial pension plan.

- Practical implication: binding status is not automatic. Counsel should review the specific order calling the referendum before advising on the legal effect of the result.

B. 2025 — Citizen Petitions Liberalized, Then Further Constrained

1. *Referendum Act, Citizen Initiative Act, Election Finances and Contributions Disclosure Act* (SA 2025 c7, in force July 4, 2025)

- Created a new public-interest referendum power for Cabinet, discussed above, which appears to be the likely statutory basis for the non-constitutional questions ordered for 2026.

- Reduced the citizen-initiative signature threshold from 20% province-wide, together with a two-thirds-of-electoral-divisions requirement, to 10% of votes cast in the last general election; extended the signing period from 90 to 120 days; shortened the Chief Electoral Officer's determination period from 60 to 21 days; and made court referral on constitutionality mandatory, subject to a 30-day trigger.

- Reduced the third-party advertiser contribution limit from $34,400 to $5,000 per year. This limit also applies to referendum advertising because the *Referendum Act* incorporates the *Election Finances and Contributions Disclosure Act*.

- *Referendum Act* amendments removed the precondition that a referendum precede a constitutional-amendment resolution; extended mail-in balloting to constitutional referenda; added a limited discontinuance power for general-election, mail-in-

emergency, and municipal-election referenda; added Indigenous voting-place consultation requirements and a s.35 non-derogation clause for referenda held with municipal elections; prohibited electronic tabulators; eliminated vouching; and imposed a 12-hour deadline for the unofficial count.

- Practical implication: at this stage, citizen initiatives became materially easier to commence, which is relevant for advice concerning initiatives considered before the December 2025 amendments discussed below.

- Repealed sections 2 and 3 of the *Referendum Act*, so referendum questions are no longer determined by a resolution of the Legislative Assembly on the motion of a member of Executive Council.

- Section 5 of the *Referendum Act* revised to specify whether a constitutional referendum is held with a provincial general election, as a stand-alone referendum event, or with local general elections.

- Section 7.1 of the *Referendum Act* replaced so that the *Election Finances and Contributions Disclosure Act* continues to apply to referenda with necessary modifications, but regulations under the *Referendum Act* may now provide otherwise, subject to specified matters that cannot be modified by regulation.

- Enacted section 8.11 of the *Referendum Act,* requiring the Chief Electoral Officer, for referenda held with local general elections, to consult each band council and each Métis settlement council and administrator about suitable voting places and to use an agreed suitable building.

- Enacted sections 8.4 and 8.5 of the *Referendum Act,* authorizing the Chief Electoral Officer to recommend discontinuance and the Lieutenant Governor in Council to discontinue and recommence a referendum in emergency, disaster, unusual or unforeseen circumstances.

- Removed references to Métis settlements, Indian reserves, band councils and the Alberta portion of Lloydminster from the *Referendum Act* while it added the new consultation and s. 35 non-derogation provisions.

2. *Citizen Initiative Act* and *Referendum Act* — further amendment (SA 2025 c22, December 11, 2025)

- Removed the requirement that a citizen-initiative proposal not contravene ss.1–35.1 of the *Constitution Act, 1982* or exceed the Legislature's jurisdiction.

- Removed the Chief Electoral Officer's advisory and referral role in relation to proposals generally.

- Repealed the Chief Electoral Officer's former special-case reference power under s. 2.1 of the *Citizen Initiative Act* and removed the requirement that the Chief Electoral Officer consider a proposed constitutional question factually accurate, framed for a yes-or-no answer, and otherwise suitable for submission to electors.

- Added a transitional rule, s.71.1, under which an application that had not yet been issued as a petition when the amendment came into force was deemed never to have been made, subject to a 30-day refiling period.

- Amended, without substantive change, the pre-existing s.4(3) constitutional non-implementation limit discussed above, and also made unrelated amendments concerning political-party naming and the *Legal Profession Act*.

- Practical implication: this amendment removed both the independent Chief Electoral Officer screening function and the statutory constitutional-conformity gate. It is the most consequential change in this period for advice concerning citizen initiatives.

3. *Citizen Initiative Regulation* — fee increase (Order in Council, December 17, 2025)

- Increased the application fee from $500 to $25,000. Applicants relying on the 30-day transitional refiling period described above were not subject to the increased fee.

- Practical implication: the fee increase was made by a distinct regulatory instrument under, but not as part of, the statute discussed above and should therefore be cited separately.

C. 2026 — Election-Period Blackout, Scrutineers, and Synthetic Media

1. *Citizen Initiative Act, Election Finances and Contributions Disclosure Act* (SA 2026 c4, April 16, 2026)

- Established a new blackout period: no citizen-initiative notice may be filed during the 12 months preceding a fixed-date general election, during any election writ period, or during the 12 months following a general election. A process already underway when a blackout period begins is terminated.

- Repealed the requirement that a referendum arising from a successful initiative be held in conjunction with the next general election.

- Created lawyer-scrutineer regimes for Chief Electoral Officer signature verification in citizen-initiative processes, with appointment by the proponent or the Minister of Justice, and for recall petitions.

- Enacted s. 1.11 of the *Citizen Initiative Act*, the exclusion-period provision, and repealed s. 7, which had allowed an initiative interrupted by a general election to continue after election day. The 2026 model is termination rather than suspension and resumption.

- Enacted s 10.1 and 10.2, under which the proponent and the Minister may each appoint one or more active Alberta lawyers as scrutineers to attend and observe the Chief Electoral Officer's verification process, including witnessing, canvasser certification, required signature information and the application of random statistical sampling, and may record information potentially relevant to judicial review.

- Enacted s. 53.1, requiring two-year retention of original and copied signature sheets for petitions determined to satisfy s. 6.

- Introduced a prohibition in the *Election Finances and Contributions Disclosure Act* on deepfakes depicting a leader, minister, MLA, candidate, or Elections Alberta official, with penalties of up to $10,000 per day for an individual and $100,000 per day for an entity.

- Practical implication: the blackout period may prevent a citizen initiative from being launched or continued for approximately two years surrounding a fixed general election date. Counsel should confirm the applicable election calendar before advising a client to proceed.

2. *Citizen Initiative Regulation* and *Referendum (General) Regulation* (Orders in Council, April 23, 2026)

- Disapplied the *Election Finances and Contributions Disclosure Act* to registered parties, constituency associations, and sitting MLAs for referendum purposes.

- Defined "official party" for scrutineer-entitlement purposes as a party with more than four MLAs and at least 5% of the popular vote in the last general election.

- Provided that official parties and citizen-initiative proponents may appoint referendum scrutineers in writing no later than eight weeks before voting day. If no scrutineers are appointed, the Chief Electoral Officer may appoint the LGIC additional third-party-advertiser scrutineers.

- Required a citizen-initiative question to be counted first at each voting location, before other questions. The unofficial-count deadline now scales with the number of questions, from 12 hours for one or two questions to 48 hours for seven or more questions.

- Practical implication: the eight-week scrutineer deadline should be identified early for any client involved in a citizen initiative, referendum, or official party process.

V. HISTORICAL ANALYSIS: THE ARC OF CHANGE

Cabinet authority expanded. First, cabinet's access to the referendum ballot has broadened. The mid-2025 public-interest power established an additional pathway, separate from cabinet's existing authority to order constitutional referenda. Cabinet therefore now has two distinct referendum mechanisms that did not previously operate concurrently.

Citizen initiatives became easier to commence, but more difficult to complete. Second, the treatment of citizen-led initiatives has changed in a non-linear manner. In mid-2025, petitions became easier to initiate: the signature threshold was reduced, the signing period was extended, and the Chief Electoral Officer's determination period was shortened. By December 2025, however, the process had been altered more substantially. The constitutional-conformity screen and the Chief Electoral Officer's independent gatekeeping role were both removed, changing which proposals could proceed to signature-gathering. The subsequent fee increase and the 2026 election-period blackout then imposed significant cost and timing constraints. Viewed chronologically, the process became briefly easier to begin, but more difficult to advance to a referendum.

Administration became more structured and closely supervised. Third, the statutory and regulatory framework governing the conduct of referenda became more detailed. The amendments added successive layers of procedure and oversight: scrutineer rules were extended to citizen-initiative, and referendum processes; hand-counting requirements and deepfake prohibitions were introduced alongside stricter third-party financing rules; and Indigenous consultation requirements and a non-derogation clause were incorporated into the *Referendum Act*.

VI. PRACTICAL TAKEAWAYS FOR CBA MEMBERS

- A client considering a citizen initiative must account for a 10% signature threshold, a 120-day signing period, a $25,000 application fee, and, where applicable, the statutory blackout period surrounding a general election. Counsel should confirm the election calendar at the outset.

- A referendum result should not be assumed to bind government. Binding status must be specified in the calling instrument.

- Third-party referendum advertising is subject to a $5,000 annual contribution limit per contributor. That limit does not apply to registered parties, constituency associations, or sitting MLAs, which are exempted for referendum purposes.

- A citizen-initiative proposal is no longer screened for constitutional conformity before signature collection begins.

- Scrutineer appointments for citizen-initiative or referendum processes must be made in writing to the Chief Electoral Officer no later than eight weeks before voting day.

Published on September 1, 2026

VII. CUMULATIVE COMPARISON, 2023 TO AUGUST 2026

This table compares the position in effect at the beginning of 2023 with the position as at August 2026, and cites the principal amending instrument for each change. It is drawn from the legislation and regulations themselves rather than from secondary sources.

Issue	Position at the beginning of 2023	Position as at August 2026	Principal authority
Income-tax increases	No general referendum gate in the *Alberta Taxpayer Protection Act*	Specified personal and corporate income-tax rate increases require prior referendum approval	*Alberta Taxpayer Protection Act* (2023), s. 4
CPP withdrawal	No *Alberta Pension Protection Act* referendum gate	Withdrawal notice cannot be given without a favourable referendum	*Alberta Pension Protection Act* (2023), s. 2
Constitutional initiative threshold	20% of eligible electors	10% of votes cast at the previous general election (177,732 signatures for 2026)	*Citizen Initiative Act*, s. 6(2)
Geographic distribution	20% in at least two-thirds of electoral divisions	Removed	*Citizen Initiative Act*, s. 6(3)
Signing period	90 days	120 days	*Citizen Initiative Act*, s. 4(4)
Chief Electoral Officer determination period	60 days	21 days	*Citizen Initiative Act*, s. 10

Issue	Position at the beginning of 2023	Position as at August 2026	Principal authority
Constitutional compliance at application stage	Express ss. 1–35.1 restriction	Express restriction repealed	*Citizen Initiative Act*, s. 2(3)
Court reference	Chief Electoral Officer special-case power on specified statutory tests	Chief Electoral Officer power repealed	*Citizen Initiative Act*, s. 2.1
Initiatives around elections	Could be suspended and resumed	12-month pre- and post-election exclusion periods; specified processes terminated, subject to transitional and provisional rules	*Citizen Initiative Act*, ss. 1.11, 7
Petition-verification scrutineers	No equivalent regime	Proponent and Minister may each appoint active Alberta lawyers to observe verification, including random statistical sampling	*Citizen Initiative Act*,, ss. 10.1, 10.2
Signature-sheet retention	No equivalent statutory requirement	Two-year retention of original and copied signature sheets for petitions determined to satisfy s. 6	*Citizen Initiative Act*, s. 53.1
Application fee	$500	$25,000	*Citizen Initiative Regulation*, Alta Reg 54/2022
Referendum before Assembly constitutional-	Mandatory under former *Referendum Act* s. 2	Former ss. 2 and 3 repealed; questions no longer set by resolution of the Assembly	*Referendum Act*, ss. 2, 3

Issue	Position at the beginning of 2023	Position as at August 2026	Principal authority
amendment resolution			
Form and conduct of constitutional referendums	Not separately specified	Order may specify a referendum held with a provincial general election, as a stand-alone event, or with local general elections, and whether conducted by mail-in ballot	*Referendum Act*, s. 5
Emergency discontinuance of referendum	No equivalent regime	Chief Electoral Officer recommendation and Lieutenant Governor in Council discontinuance and recommencement powers in emergency, disaster, unusual or unforeseen circumstances	*Referendum Act*, ss. 8.4 and 8.5
Referendum finance framework	*Election Finances and Contributions Disclosure Act* applied generally	Application expressly subject to modification by *Referendum Act* regulations, with statutory exceptions	*Referendum Act*, s. 7.1; Alta Reg 81/2026
Third-party contribution limit	$34,400 per year	$5,000 per year; registered parties, constituency associations and sitting MLAs exempted for referendum purposes	*Referendum (General) Regulation, s. 6.01*
Citizen-initiative referendum deadlines	Statutory timing rules applied	Specified deadlines repealed	*Citizen Initiative Act*, ss. 15(4), 15(5), 16(3), 16.4

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Issue	Position at the beginning of 2023	Position as at August 2026	Principal authority
Cabinet public-interest referendum power	No concurrent general public-interest route under the *Referendum Act*	Lieutenant Governor in Council may order a referendum on any matter it considers to be of public interest	*Referendum Act*, s. 5.1
Referendum voting administration	Imported election procedures	Hand count rather than electronic tabulation; vouching for identity eliminated; graduated unofficial-count deadlines	*Election Act*, s. 111
Indigenous consultation and s. 35 non-derogation	No equivalent express referendum provisions	Chief Electoral Officer must consult band councils and Métis settlement councils on voting places for referendums held with local general elections; express non-derogation protection for existing Aboriginal and treaty rights	*Referendum Act*, ss. 8.11
Multi-question count	No graduated regime	Citizen-initiative question counted first; unofficial count within 12, 24, 36 or 48 hours by number of questions	*Referendum (General) Regulation, s. 6.4*
Synthetic and manipulated media	No equivalent regime	Specified misleading synthetic media prohibited, with daily administrative penalties of up to $10,000 (individual) and $100,000 (entity)	*Election Finances and Contributions Disclosure Act, s. 51.01*