



INTERPRETATION BULLETIN NO. 8

**Activities of Charities and Other Prohibited Entities During
a Referendum Advertising Period**

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Interpretation Bulletin No. 8 | Activities of Charities and Other Prohibited Entities During a
Referendum Advertising Period | Elections Alberta

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Purpose

This Interpretation Bulletin provides guidance for registered charities and other prohibited entities under the [Election Finances and Contributions Disclosure Act](#) (EFCDA).

It focuses on referendum advertising, public advocacy, paid boosting, social media amplification, events and coalition activity. This bulletin is not comprehensive. Refer to the EFCDA and other applicable legislation as needed, or contact Elections Alberta when in doubt about whether activities fall within the definition of third party advertising.

Key Points

- A registered charity is a prohibited corporation under the EFCDA.
- A registered charity is not qualified to register as a referendum third party advertiser.
- The \$1,000 registration threshold does not allow a charity to spend any money on paid referendum advertising.
- Paid boosting or paid public amplification of a message that promotes or opposes a position on a referendum question should be avoided.
- Organic, non-commercial communications may be permitted, if they fit within one of the exclusions in the EFCDA.
- When an activity is unclear, request written advice from the Chief Electoral Officer before proceeding.

Bottom Line

A charity may express its views in ways that are genuinely outside the definition of referendum advertising. It should not assume it can spend up to \$999.99 on paid boosting, sponsored posts, or other paid public distribution.

For a registered charity, the safest compliance position is simple: do not pay to increase the public reach of a message that promotes or opposes a position on a referendum question unless Elections Alberta has provided written advice confirming the activity is allowed or falls within one of the excluded categories.

Who Does This Apply To?

This guidance applies to registered charities, prohibited corporations, prohibited persons or entities, and groups that include a prohibited person or entity.

Under the EFCDA:

- a “permitted person or entity” includes Alberta residents, corporations carrying on business in Alberta that are not prohibited corporations, and Alberta trade unions or employee organizations;
- a “prohibited person or entity” includes a prohibited corporation.
- a “prohibited corporation” includes a registered charity (s.1(1)(l)(vi.3)); and,
- a “registered charity” has the same meaning as in subsection 248(1) of the Income Tax Act (Canada) (s.1(1.03)(m)).

As a result, a registered charity is a prohibited person or entity and a prohibited corporation for EFCDA purposes.

Registration Restriction

Section 9.1 of the EFCDA sets out registration requirements for third parties involved in election advertising, political advertising, Senate election advertising, and referendum advertising. A third party must apply for registration when it has incurred, or plans to incur at least \$1,000 in advertising expenses, or when it has accepted, or plans to accept, at least \$1,000 in advertising contributions.

However, a prohibited person or entity, a group that includes a prohibited person or entity, and a registered charity are not eligible to register in the election advertising or referendum advertising registers. This is the key restriction for charities.

What Is Referendum Advertising?

Referendum advertising means transmitting an advertising message to the public, by any means, during the referendum advertising period, where the message promotes or opposes a position on a referendum question.

The referendum advertising period begins when the referendum order is issued and ends at the end of Election Day.

A referendum advertising expense includes the cost of producing an advertising message and the cost of acquiring the means to transmit it to the public.

The EFCDA also treats the organizing of an event, where the significant purpose of the event is to promote or oppose a referendum question, as referendum advertising.

Activities Excluded from Referendum Advertising

The EFCDA excludes specific activities from the definition of referendum advertising. These exclusions are real, but they are narrow. The activity must fit the wording of the exclusion.

Excluded activity	Practical meaning
Editorials, debate, speeches, interviews, columns, letters, commentary, or news	Public commentary and news-style communications may be excluded when they are not paid advertising.
Books	A book may be excluded if it was planned for public release regardless of the referendum and is sold for at least commercial value.
Direct internal communications	A corporation or group may communicate directly with its members, employees, or shareholders.
Non-commercial Internet views	A person, corporation, or group may share their own political views online on a non-commercial basis. This means they may not pay for the political view to be put out or distributed.
Vote-only calls	Phone calls are excluded only when they are made solely to encourage electors to vote.
Government advertising	Government advertising is excluded under the specific wording of the EFCDA.

These exclusions do not create a general advocacy exemption. If an activity does not fit an exclusion, it must be assessed under the general referendum advertising definition.

The \$1,000 Threshold Is Not a Safe Harbour

The \$1,000 threshold is a registration trigger for third party advertisers. It is not a general allowance allowing charities to spend money, up to \$999.99, on paid referendum advertising.

For referendum advertising, money paid by a third party from its own funds is deemed to be a referendum advertising contribution of that third party. A person or entity that is not a permitted person or entity must not make a referendum advertising contribution.

Because a registered charity is a prohibited corporation and not a permitted person or entity, a charity should not treat the threshold as permission to pay for referendum advertising below \$1,000.

The threshold applies in aggregate during the referendum advertising period. It should not be treated as a separate \$1,000 amount for each referendum question.

Paid Boosting and Social Media

Paid boosting is the purchase of the means to further amplify a message. If a message promotes or opposes a referendum question during the referendum advertising period, paid boosting is referendum advertising.

High Risk Activities to Be Avoided by Charities

- Boosted or sponsored posts on Facebook, Instagram, TikTok, X, YouTube, LinkedIn, or similar platforms;
- paid search, display, banner, video, pre-roll, or native advertising;
- paid influencer or creator content and/or promotion;
- paid mass text, calling, robocalling, or voice-broadcast campaigns that advocate for a position on any question (for example yes or no, option 1 or 2, etc.);
- paid for mailers, flyers, billboards, radio, television, print, or digital ads; and
- payments to an agency, platform, or vendor to increase public reach of a referendum message.

Lower Risk Activities

- Organic posts on the charity's own website or social media accounts, if unpaid and non-commercial;
- unpaid sharing of another organization's public message, if not coordinated and not supported with money or services;
- direct communications to formal members, employees, or shareholders;
- public commentary, speeches, interviews, letters, or news-style publications; and
- calls made only to encourage electors to vote, without supporting or opposing a referendum question.

Practical Activity Guide

Activity	Compliance view	Reason
Organic website or social media post stating the charity's view	Potentially allowed	May fit the non-commercial Internet views exclusion if it is unpaid and not boosted.
Paid boost of the same post	High risk / avoid	Likely paid acquisition of public transmission for a referendum message.
Email to formal members only	Potentially allowed	Direct communication to members may be excluded.
Email blast to donors, supporters, or newsletter subscribers	Fact-specific / higher risk	These recipients may not be legal members.

Activity	Compliance view	Reason
Public press release or commentary	Potentially allowed	May fit the commentary or news-style exclusion.
Paid newspaper, radio, print, or digital ad	High risk / avoid	Payment for public transmission is likely referendum advertising.
Neutral town hall with balanced information	Lower risk	Neutral information that does not promote or oppose a question position may fall outside the definition.
Town hall designed to persuade electors to vote for or against a position on a question	High risk / avoid	Events with a significant purpose of promoting or opposing a question may be referendum advertising.
Vote-only phone calls	Potentially allowed	Phone calls are excluded only if they encourage voting and do not advocate a position.
Providing staff, design services, lists, space, or data to another third party	High risk / avoid	Goods and services used for advertising may be treated as a contribution or support.

When in doubt, apply this practical rule:

If a charity is paying money or providing resources to increase the public reach of a referendum question position, this may be a violation of the EFCDA.

Direct Communications to Members, Employees, and Shareholders

The “direct communication” exclusion should be used carefully. A donor, newsletter subscriber, volunteer, client, social media follower, or program participant is not automatically a legal member.

Before relying on this exclusion, confirm the audience category and keep records showing why recipients were treated as members, employees, or shareholders. Avoid paid promotion or broader public distribution of the same message.

Events, Forums, and Coalition Activity

A neutral educational event may be lower risk if it explains the referendum process or provides balanced information without advocating for a question position.

An event is higher risk if its branding, materials, speakers, or purpose are designed to promote or oppose a referendum question.

Coalition work also requires caution. A group that includes a prohibited person or entity is not qualified to register for referendum advertising. A charity should not provide money, staff time, creative services, mailing lists, office space, data, or other resources for another third party's referendum advertising.

Written Advice

The EFCDA allows a person or entity to request written advice from the Chief Electoral Officer about its activities, duties, or rights under the Act. Written advice may protect the person or entity from certain civil or administrative proceedings or penalties to the extent the proceeding or penalty is based on the information provided.

Requests for written advice should include the proposed message, platform, timing, audience, whether the communication will be paid or boosted, any coordination with another organization, and the budget.

Recommendations

- Adopt a “no paid public amplification” rule for referendum messages unless written advice confirms the activity is permitted.
- Review all referendum-related communications before publication during the referendum advertising period.
- Ensure neutrality in all public-facing referendum-related correspondence, excluding communication, organic non-commercial Internet communication, direct member communication.
- Keep records showing why an activity was treated as excluded, neutral, or non-commercial.
- Do not provide money, staff, data, creative services, lists, office space, or other support to third parties for referendum advertising.

Key EFCDA References

Section reference	Description
s. 1(1)(i.6)	Defines “permitted person or entity.”
s. 1(1)(l)(vi.3)	Includes a registered charity in the definition of “prohibited corporation.”
s. 1(1)(l.01)	Defines “prohibited person or entity.”
s. 1(1)(m.1)	Defines “registered charity.”
s. 5.01	Allows requests for advice from the Chief Electoral Officer.
s. 9.1(1)	Sets third-party registration triggers.
s. 9.1(5)(c)	States a registered charity who is not qualified to register for referendum advertising.
s. 44.94993(1)(c)	Defines referendum advertising and lists exclusions.
s. 44.94993(1)(f)	Defines referendum advertising expense.
s. 44.94993(1)(g)	Defines the referendum advertising period.
s. 44.94993(3)	Includes certain events in referendum advertising.
s. 44.94995	Restricts referendum advertising contributions and expenses.
s. 44.94996	Deems payments from own funds to be referendum advertising contributions.

Version History

Version	Date	Description
1.0	June 2026	Interpretation Bulletin created.



Elections Alberta is an independent, non-partisan office of the Legislative Assembly of Alberta responsible for administering provincial elections, by-elections, and referendums.

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