



INTERPRETATION BULLETIN NO.09

Referendum Advertising

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Interpretation Bulletin No. 9 | Referendum Advertising | Elections Alberta

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Purpose

This Interpretation Bulletin is intended to provide guidance on what is (and what is not) referendum advertising and when the requirement to register as a Referendum Third Party Advertiser (RTPA) applies.

This Bulletin must be read in conjunction with [Guide for Referendum Third Party Advertisers](#).

What is Referendum Advertising?

Under the *Election Finances and Contributions Disclosure Act* (EFCDA), the definition of “referendum advertising” is “the transmission to the public by any means during the referendum advertising period of an advertising message that promotes or opposes a question in a referendum.”¹

This means that for an advertisement to be “referendum advertising,” the advertisement must relate to a specific referendum question and the advertising must attempt to persuade an elector to vote in a particular way with respect to that referendum question. In other words, the advertising in question must be an attempt to convince an elector to vote in a certain way in response to an identifiable referendum question.

For example, encouraging voters to answer “yes” to a referendum question is to “promote” a question in a referendum, while encouraging voters to answer “no” is to “oppose” a question.

An advertising message may meet the definition of “referendum advertising” without an explicit statement such as “Vote yes on question 1”. However, not every advertisement that touches on the issues that are the subject of a referendum will meet the definition of “referendum advertising.” General messages that are associated with the issues that are the subject of a referendum, but do not “promote” or “oppose” a referendum question, may not fall within the definition.

Referendum Advertising with Respect to Question 10

Referendum question 10 asks:

10. Should Alberta remain a province of Canada, or should the Government of Alberta commence the legal process required under the Canadian Constitution to hold a binding provincial referendum on whether or not Alberta should separate from Canada?

Option 1: Alberta should remain a province of Canada.

¹ EFCDA Part 6.12 [section 44.94993\(1\)\(c\)](#)

Option 2: The Government of Alberta should commence the legal process required under the Canadian Constitution to hold a binding provincial referendum on whether or not Alberta should separate from Canada.

The assessment of whether an advertisement is “referendum advertising” in relation to Question 10 will be based on the definition provided in the EFCDA. First, the advertisement must be transmitted to the public. Second, the advertisement must run during the referendum period. Third, the advertisement must promote or opposes one of the two options presented to electors. Because Question 10 presents electors with two options, rather than a “yes” or “no” response, the question is whether the advertisement promotes or opposes one of the options over the other. If so, the advertisement will be “referendum advertising.”

Displaying a Canadian flag or an Alberta flag (or both) does not fall within the definition of referendum advertising. The display of a flag alone does not promote or oppose a question in a referendum.

Similarly, statements such as “Celebrate Canada”, “Celebrate Alberta” or “send a message to Ottawa” do not specifically promote or oppose a question in a referendum and taken alone, would not constitute “referendum advertising.”

Conversely, a message such as “Vote for Alberta’s independence” or “Vote for Alberta to stay in Canada” is specific enough to fall within the definition of promoting or opposing one of the two options for referendum question 10, even though the statement does not specifically mention the referendum question.

There are a number of words (and variations) which may indicate a message is referendum advertising:

“Vote”	may indicate an elector making a choice on a referendum question during the referendum and is likely to indicate referendum advertising.
“Choose”	may suggest voting in a referendum.
“Remain”	may suggest promoting option 1 of Question 10.
“Separate”	may suggest promoting option 2 of Question 10.
“Independence”	may suggest promoting option 2 of Question 10.

Whether an entity is registered as a third party advertiser does not necessarily determine whether a specific message is “referendum advertising”. Similarly, even a registered third party advertiser may put out advertisements that are not “referendum advertising”. All potential referendum advertising will be assessed on the content of the message itself, not on how well known the advertiser is or how well known their position is.

Events May Also Constitute Referendum Advertising

Holding or hosting an event to promote or oppose a question (or an option in response to a question) in a referendum can also be referendum advertising. The legislation specifies that where a “significant purpose” of the event is to promote or oppose the question or option, the event will be referendum advertising.²

It is important to note that a single event can have more than one purpose. For example, one purpose of an event could be to educate people on the appointment process for superior court judges, but another purpose could be to promote or oppose referendum question 6. If a significant purpose of the event (and not necessarily the primary purpose) is to promote or oppose a referendum question, the expenses associated with the event are referendum advertising that must be recorded and reported.

Advertising that only encourages people to participate and vote in the referendum, without promoting or opposing a question, does not constitute referendum advertising.

Exceptions to the definition of Referendum Advertising

The EFCDA sets out several exceptions to the general definition of referendum advertising. These exceptions are:³

- 1) Editorials, debates, speeches, an interview, a column, a letter, a commentary, or news,
- 2) The distribution of a book,
- 3) Communication directly by a corporation or a group to its members, employees, or shareholders,
- 4) The transmission by a person, corporation, or group, on a non-commercial basis on the Internet, of the political views of that person, corporation, or group,
- 5) The making of telephone calls to electors only to encourage them to vote, or
- 6) Advertising by the Government in any form.

Referendum Advertising on Social Media

Using social media to post personal messages or opinions that promote or oppose a question in a referendum is NOT referendum advertising because it is captured by exception 4 above. It is important to note that this exception only applies to posting on a non-commercial basis on the internet.

² EFCDA Part 6.12 [section 44.94993\(3\)](#)

³ EFCDA Part 6.12 [section 44.94993\(1\)\(c\)](#)

The posting of personal messages on social media is different than paid advertising on social media, or “sponsored messages”. If any person or entity pays to “push” social media content (for example, paid Google search, boosted posts, or paid META advertising), then the social media post is no longer being transmitted on non-commercial basis and no longer falls within the exception.

When do you have to register as an RTPA with Elections Alberta?

There are two things that will trigger the requirement to register as an RTPA:⁴

- 1) When the person or entity has incurred or plans to incur referendum advertising expenses of at least \$1,000, or
- 2) When the person or entity has accepted or plans to accept referendum advertising contributions of at least \$1,000.

Either of these circumstances triggers the requirement to register with Elections Alberta. This means that until a person or entity exceeds one or both thresholds, registration is not required.

The maximum amount an RTPA can spend on referendum advertising is \$607,000.⁵

Referendum Advertising by Registered Political Parties

The referendum advertising rules that apply to RTPAs do not apply to registered parties, constituency associations, or Members of the Legislative Assembly.⁶ However, these entities must still record, and report contributions received during a referendum period and their normal financial reporting obligations still apply.

Political parties, constituency associations, and Members of the Legislative Assembly continue to be subject to the [Advertising Guidelines for Political Participants](#) and section 134 of the *Election Act* during a referendum period. Any registered party, constituency association, or Member of the Legislative Assembly that undertakes referendum advertising must comply with the rules about sponsorship and authorization statements being included on any referendum advertising they undertake.

⁴ EFCDA Part 6.12 [section 9.1\(1\)](#)

⁵ EFCDA Part 6.12 section [44.94994\(1\)](#) imposes a referendum advertising expense limit of \$500,000 adjusted in accordance with EFCDA [section 41.5](#). As of 2026, that amount is \$607,000.

⁶ Referendum General Regulation [section 6.01](#)

Referendum Advertising Contributions

A referendum advertising contribution is a contribution that is given to a person or entity to pay for referendum advertising expenses.⁷ The maximum allowable referendum advertising contribution is \$5,000, in total, per referendum period.⁸

It is important to note that the EFCDA does not regulate the overall finances of persons or entities (such as their operating expenses). Only contributions for and expenses related to referendum advertising are regulated.

By way of example, a non-profit organization that provides charitable services is not prohibited from collecting donations in any form or amount if that money is used for things other than referendum advertising, and those donations are not subject to oversight by Elections Alberta.

Written Advice

Both the EFCDA and the *Election Act* allow a person or entity to request written advice from the Chief Electoral Officer about its activities, duties, or rights under the relevant Act.⁹ If a person or entity has questions about the application of the rules governing third party referendum advertising, they are encouraged to contact Elections Alberta to request written advice. Requests for written advice must include details of the proposed message or event, including the platform, timing, audience, whether the communication will be paid or boosted, whether there will be any coordination with another organization, and the expected expense.

⁷ EFCDA Part 6.12 section [44.94993\(1\)\(e\)](#)

⁸ EFCDA Part 6.12 section 44.94995(2) imposes a referendum advertising contribution limit of \$5,000 adjusted in accordance with EFCDA section 41.5. As this section was recently amended, section 41.5 has not yet been triggered. For the 2026 referendum, that amount is \$5,000.

⁹ [EFCDA section 5.01](#) and [Election Act section 4.2](#)

Version History

Version	Date	Description
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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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