



OCT 19

2026

BOOKLET FOUR · A CONVERSATION ABOUT ALBERTA'S FUTURE

What a “Yes” Actually Means

The ten questions on your October 19 ballot — and what Question 10 really asks.

There is no “yes” printed on that ballot. There are ten questions, all of them non-binding, and one of them offers a choice most Albertans have never had described to them accurately. This booklet reads the ballot, walks the legal road that follows it, and faces the hardest objection to the whole exercise head-on.

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Real questions. Honest numbers. No spin.

CITIZEN LED · FACT BASED · ALBERTAN



How to read this booklet

This is one booklet in a series, and it's built to stand on its own. You don't need to have read any of the others.

This one is different from the rest, though, and I want to be upfront about why. The other booklets in this series argue about *substance* — currency, pensions, resources, health care. This booklet doesn't argue about any of that. It's about the **ballot paper itself**: the ten questions you're going to be handed on October 19, what each one actually says, what your marks legally do and don't do, and — for the one question everybody is shouting about — what “the legal process required under the Canadian Constitution” actually consists of, step by step.

I'm writing it because I've now sat in a lot of rooms with a lot of Albertans, and the single most common thing I hear isn't “I'm against it” or “I'm for it.” It's some version of: **“Wait — am I voting to leave Canada?”**

You are not. Not on October 19. And the fact that a great many Albertans on both sides of this believe otherwise is, to my mind, a small civic emergency. You cannot make a free decision about a question you've been handed a wrong description of.

Everything presented as a **fact** in here — a date, a number, a piece of ballot wording, a court ruling — is drawn from the public record. A small number in the text, like this,¹ points to the matching source in the References at the back so you can check any claim yourself. Where I give you my **opinion**, I'll label it. And I'll keep the promise every LTA booklet makes: where there's a real cost, a real risk, or a serious objection to what I'm saying, I'll print it in the same size type as everything else. There is a section in this booklet — Part Three — that is genuinely hard for someone in my position to write. I've written it anyway, because a booklet that ducks the hardest question on its own topic isn't worth the paper.

Read it. Check it. Then decide for yourself.

— C.S.

PART ONE

The Ballot You'll Actually Be Handed

Ten questions, one afternoon, and a lot of confusion that didn't have to happen.

1. The question, in plain words

Here's the confusion, stated the way I usually hear it — and I hear it from people on every side:

“On October 19 there's a vote on separation. If it passes, Alberta leaves Canada. If it fails, the whole thing is dead. So this is the big one.”

Every sentence in there is wrong.

Here's what's actually true. On **Monday, October 19, 2026**, Albertans will vote in a province-wide referendum containing **ten separate questions**.¹ Nine of them have nothing to do with separation at all — they're about immigration, provincial programs, voter ID, judges, the Senate, and the balance of federal and provincial power. The tenth is the one you've heard about.

Question 10 is not a Yes/No question. It doesn't say “do you want to separate.” It's a *choice between two options*, and here is its exact wording, word for word:

“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?”²

You pick one of two options: **Alberta should remain a province in Canada**, or **the Government of Alberta should commence the legal process** toward a *later, binding* vote on separation.³

Read that second option again, slowly, because four words in it are doing all the work: **commence, process, binding,** and **later**. The option on your ballot is not separation. It is not even a decision to separate at some future date. It is a decision about **whether a longer, lawful, and genuinely difficult process should be started at all** — a process whose entire purpose is to produce a *second* referendum, later, that would actually be binding.

And one more thing, which surprises almost everyone: **every result on that ballot — all ten questions, including Question 10 — is legally non-binding**.^{1,4} Nothing on October 19 changes a single law by itself. Not one.

So the honest description of the day is this: **October 19 is the day Albertans finally get asked. It is not the day anything is decided.**

Now, some people will read that and conclude the whole exercise is therefore meaningless theatre. I understand the instinct, and I'll deal with it head-on in Part Five, because it deserves a real answer rather than a brush-off. But hold that thought, and let's start where every honest conversation about this has to start — with why being asked at all is such an unusual event in this province's history.

2. What we have now: a province that doesn't get asked

Start with a fact that most Albertans have never had cause to notice, because it's just the water we swim in: **Albertans have almost never been asked, directly, about the terms of their own governance.**

Alberta's terms of entry into Confederation were written in Ottawa in 1905 and were never put to a vote of the people who would live under them. Ottawa kept control of Alberta's land and natural resources for the province's first twenty-five years, handing them over only in 1930 under the Natural Resources Transfer Agreements. Nobody here voted on that arrangement either, at the front end or the back.

Then, in living memory, there's the case that hangs over this entire conversation.

On October 18, 2021, Albertans voted in a constitutional referendum on equalization. The question asked whether Section 36(2) of the Constitution Act, 1982 — Parliament's commitment to the principle of equalization payments — should be removed from the Constitution. **61.68% of the ballots cast said yes.**⁵ The provincial government then did the thing the Supreme Court's own jurisprudence says triggers a constitutional obligation to negotiate: it took the result to the Legislature and passed the follow-up resolution.

And then nothing happened. No negotiations opened. Section 36(2) sits in the Constitution today exactly where it sat in 2021, untouched.

I'll be careful and fair here, because this is the kind of place where our side often overclaims. The 2021 turnout was **38.71%** — fewer than four Albertans in ten cast a ballot.⁵ That's a real weakness in the mandate, and anyone using that referendum as a bludgeon has to own the turnout number too. And Ottawa's defenders would say, correctly, that a province cannot amend the Constitution by itself, that equalization is a federal commitment, and that a duty to negotiate in good faith is not a duty to agree.

All fair. And yet the lived experience of a great many Albertans is simpler and harder to argue with: **we were asked once, we answered clearly, and the answer went nowhere.** Whatever you think of the merits, that experience is now part of the room. It is why some Albertans will look at a non-binding ballot on October 19 and shrug that it's pointless — and it's also why others will show up precisely because they refuse to be ignored twice.

My opinion, labelled as opinion: the 2021 result is the strongest argument I know for two things at once. It's an argument for turning out in numbers big enough that the result can't be filed away — and it's an argument for taking the *process* seriously rather than treating a referendum as a magic wand. A vote is not self-executing. What comes after it is where everything is actually decided. That's this whole booklet.

3. The ballot itself: all ten questions in plain language

You're going to be handed a paper ballot with ten questions on it. They'll be hand-counted, and unofficial results are expected within roughly a day or two depending on how many questions have been tallied.⁴ Nine of them will not have

been the subject of a single television debate, and most Albertans will read them for the first time in the booth.

That is a bad way to make ten decisions. So here they are now, in plain language. I've marked which are simple Yes/No, and which of them would require a change to the Canadian Constitution — a distinction that matters enormously, and that I'll explain right after the list.

Questions 1 through 5 — Provincial policy (Yes/No, non-binding)

These ask about things the Alberta government could largely act on within its own jurisdiction. They don't require anybody's constitutional permission.

- 1. Immigration levels.** Whether Alberta should take increased control over immigration for the purpose of decreasing immigration levels.²
- 2. Eligibility for provincial programs.** Whether Alberta should introduce a law making only Canadian citizens, permanent residents, and people with an Alberta-approved immigration status eligible for provincially funded programs.²
- 3. A 12-month residency requirement.** Assuming citizens and permanent residents continue to qualify as they do now — whether people holding a non-permanent immigration status should have to live in Alberta for at least 12 months before accessing social support programs.²
- 4. Fees for non-permanent residents.** Again assuming citizens and permanent residents are unaffected — whether Alberta should charge a fee or premium to people with non-permanent immigration status for health care and education.²
- 5. Proof of citizenship to vote.** Whether Alberta should require proof of citizenship — a passport, birth certificate, or citizenship card — to vote in a provincial election.²

Questions 6 through 9 — Constitutional reform (Yes/No, non-binding)

These are different in kind. Each asks whether Alberta should work **with other willing provinces** to *amend the Canadian Constitution*. Alberta cannot do any of these on its own, no matter how the vote goes. Each would need the agreement of other governments — and, under the amending formula, that means at least seven provinces representing 50% of the population, plus Parliament.

- 6. Choosing judges.** Whether provinces, rather than the federal government, should select the justices appointed to provincial Court of King's Bench and Court of Appeal.²
- 7. Abolishing the Senate.** Whether the unelected federal Senate should be abolished.²
- 8. Opting out of federal programs.** Whether provinces should be able to opt out of federal programs that intrude on provincial jurisdiction, without losing the associated funding.²
- 9. Provincial law priority.** Whether a province's laws in provincial or shared areas of jurisdiction should take priority over conflicting federal laws.²

Question 10 — The separation-process question (a choice between two options, non-binding)

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?”²

Two options. Choose one. **Remain a province in Canada**, or **commence the legal process** toward a later binding referendum.³

Three observations before we move on, and I’ll flag that the second and third are my opinion.

First, a fact: **the nine other questions are not a warm-up act.** Questions 6 through 9 in particular describe a fairly sweeping renovation of Canadian federalism. Whatever you think of them, they deserved a public debate they largely didn’t get, and you’re entitled to have read them before you’re standing in a booth with a pencil.

Second — opinion — **putting ten questions on one ballot has a predictable effect on the tenth.** Attention is finite. A ballot this crowded almost guarantees that most voters will have thought carefully about one question and skimmed nine, or thought carefully about none. I don’t have to assign a motive to anyone to notice that this is what happens.

Third — also opinion, and the more important of the two: **notice what Questions 6 through 9 are.** They are a formal, on-the-ballot admission by the Government of Alberta that the things Albertans most want changed — how judges are picked, the Senate, federal intrusion into provincial jurisdiction, the supremacy of federal law — **cannot be changed by Alberta alone.** They require other provinces to agree. Which is to say: the same ballot that offers you “reform from within” also tells you, in its own words, exactly whose permission that reform requires. Whether you find that reassuring or damning is genuinely up to you. But you should notice it, because both of the big arguments in Alberta politics are printed on the same piece of paper, and they are talking to each other.

PART TWO

How This Actually Works

The plumbing. Twenty minutes that will put you ahead of most of the people arguing about this on television.

4. Three different machines, and why people keep mixing them up

An enormous amount of the confusion in this province comes from the fact that Alberta has **three separate legal machines** that can produce something called a “referendum,” and they work completely differently. Almost every muddled news story you’ve read this year comes from someone mixing them up. Here they are.

Machine One: a government-ordered referendum. Under Alberta’s **Referendum Act**, the Lieutenant Governor in Council — in practice, the Premier and cabinet — can order a referendum on a question of their choosing, and set the wording. That is exactly how the October 19 vote came to be: **cabinet approved Orders in Council O.C. 109/2026 and O.C. 110/2026 on March 31, 2026**, and Premier Smith announced the final wording of the separation question in a televised address on **May 21, 2026**.^{1, 6} The government wrote the questions. The government picked the date. And the results are advisory.

Machine Two: a citizen initiative. Under the **Citizen Initiative Act**, ordinary Albertans can petition to force a question onto a ballot without the government’s blessing. In **May 2025**, the government amended that Act to lower the signature threshold from **20% to 10%** of the votes cast in the previous general election¹ — a substantial loosening, and one that made a citizen-driven referendum genuinely achievable for the first time. Two separate campaigns went out and gathered signatures: a separation petition, and a pro-Canada petition organized by former deputy premier **Thomas Lukaszuk**, which was verified at **404,293 signatures**.¹

Machine Three: a constitutional referendum. Alberta also has legislation governing referendums specifically tied to constitutional amendment resolutions. That’s the machinery behind the 2021 equalization vote, and it’s the family that Questions 6 through 9 belong to in spirit.

Why this matters so much: the court case you’ve heard about — the one where a judge “threw out the separation referendum” — was about **Machine Two**. It was not about the October 19 ballot. Question 10 got onto your ballot through **Machine One**, by cabinet order, which is a different legal route with a different legal footing. I’ll deal with all of that carefully in Part Three, because it is the most serious issue in this booklet and it deserves better than a one-line dismissal. But before we get there, you need to know these are two different things, or none of it will make sense.

Binding versus non-binding: what your mark actually does

This is the distinction everything turns on, so let’s be precise.

A **binding** referendum result legally compels a government to do something. A **non-binding** — or advisory — result does not. It is an instruction delivered by the only people entitled to give one, and it carries whatever political weight its numbers and turnout earn it. But no law changes on its own.

Every question on the October 19 ballot is non-binding.^{1,4} That includes Question 10. If a majority choose “commence the legal process,” no legal process automatically commences. The government of the day decides what to do with the result, and is answerable for that decision.

If that sounds like a weakness, hold the thought — Part Five deals with it squarely. But it is worth saying now that advisory referendums have moved mountains. The 2016 Brexit vote in the United Kingdom was, in law, purely advisory — the legislation authorising it created no legal obligation whatsoever.⁷ It rearranged British politics for a decade anyway. “Non-binding” describes the *legal* effect, not the political one.

5. Question 10, word by word

Let’s take the sentence apart, because it was written with some care and every phrase in it does a job.

“Should Alberta remain a province of Canada...”

That’s option one, stated first. Worth noting because ballot order matters and this is the option the Premier herself has said she will campaign for.^{6,8} Whatever else it is, this is not a question written by the separation side.

“...or should the Government of Alberta commence...”

“Commence.” Begin. Not complete, not achieve — start. The verb tells you the entire scope of what’s being authorised.

“...the legal process required under the Canadian Constitution...”

This is the crucial phrase, and it is doing a lot of quiet work. It concedes the whole legal architecture on the front end. It does not say “declare independence.” It does not say “act unilaterally.” It says the process is the one **required under the Canadian Constitution** — a constitution that, as the Supreme Court has explained at length, does not permit a province to leave on its own say-so. Section 6 walks through exactly what that process is.

“...to hold a binding provincial referendum...”

Here’s the payoff. The **object** of the process is another referendum — a second vote, and *that* one binding. So the honest description of option two is: “*start the lawful work of getting Albertans a real, binding vote on this question at some point in the future.*”

“...on whether or not Alberta should separate from Canada?”

And only in the final clause does the word “separate” appear at all — describing the subject of the *second*, future vote. Not this one.

So: what does marking option two actually do? It registers your view that Albertans should eventually get a binding vote on this. It does not separate Alberta from Canada. It does not commit Alberta to separating. It does not change any law on October 20. It is, in the most literal sense available, **a vote about whether to have a vote.**

And what does marking option one do? It registers your view that Alberta should remain a province of Canada and that this process should not be started. That’s a real answer to a real question, and it’s the option the Premier is campaigning for. Anyone who tells you a vote to remain is a wasted ballot is doing the same disservice, in the opposite direction, as the people telling you a vote to commence is a vote to leave.

My opinion, labelled: whatever you make of the politics behind it, Question 10 is a more honest question than the 1995 Quebec question was, and it’s structurally very close to the 1980 one — which we’ll come to shortly, because Quebec has run this exact experiment before and the results are instructive.

6. What “the legal process required under the Canadian Constitution” actually is

If you mark option two, you’re voting to start *something*. You are owed a plain description of what that something is. Here it is — and I’m going to give it to you straight, including the parts that are difficult, because a booklet that sells you a short easy staircase would be lying to you.

Step one: the Secession Reference — the law that says there is a path, and that it isn’t unilateral

In 1998, after the near-miss of the 1995 Quebec referendum, the federal government asked the Supreme Court of Canada a direct question: can a province secede unilaterally? The Court’s answer, in *Reference re Secession of Quebec*, is the foundation of everything that follows, and both sides of this argument routinely quote half of it.⁹

Here is the whole of it.

The half our side likes: the Court held that if a province votes on a **clear question** by a **clear majority** in favour of secession, the rest of Canada acquires a **constitutional duty to negotiate in good faith**. Ottawa and the other provinces cannot simply ignore the result. The democratic expression of a clear majority confers legitimacy that the other participants in Confederation are obliged to recognise and address.⁹ **There is a lawful path. Alberta could not be told the door is simply bolted.**

The half the other side likes, and which is equally the law: the Court also held that **there is no unilateral right to secede** — not under Canadian law, and not under international law either, for a province in Alberta’s circumstances. Secession would require an **amendment to the Constitution of Canada**, negotiated with the other participants in Confederation. The duty to negotiate is a duty to negotiate in good faith; **it is not a duty to agree**. And the Court was explicit that those negotiations would have to address the rights of minorities and — this matters for Part Three — **the rights of Aboriginal peoples.**⁹

Read together, the Secession Reference says something that ought to sober everybody up: **the path exists, it runs through the front door, and it runs through a negotiation you don’t control.**

Step two: the Clarity Act — Ottawa's rules for judging your vote

In 2000, Parliament passed the **Clarity Act** to give effect, in federal law, to its reading of the Secession Reference.¹⁰ Whatever you think of it, you need to know what it does, because it would govern the *second* vote — the binding one Question 10 points toward.

Under the Clarity Act, before the **Government of Canada** may enter into secession negotiations, the **House of Commons** must first determine two things:

1. **Was the question clear?** The Act specifically says a question that merely asks for a *mandate to negotiate*, or that offers other options alongside secession, is **not** a clear expression of a will to secede.
2. **Was the majority clear?** The Act deliberately declines to name a number. The Commons is to take into account the size of the majority, the percentage of eligible voters who voted, and any other relevant matters.

Two consequences follow, and I'd rather you hear them from me than from someone using them to shut you up.

First: Question 10 itself would almost certainly not qualify as a “clear question” under the Clarity Act — but that's fine, because **it isn't trying to be**. Question 10 is a question about starting a process. The clear question would have to come later, at the binding vote.

Second, and less comfortable: the Clarity Act hands the judgment of clarity to the **House of Commons** — a body in which Alberta holds a modest fraction of the seats, and which is given 30 days to decide. That is a real and serious asymmetry, and I'm not going to pretend otherwise.

And it's the point where a great many Albertans stop listening, because it sounds like the end of the road: *they* decide whether our question was good enough, *they* decide whether enough of us voted, and we sit and wait for a verdict from a room where we hold a fraction of the seats.

So let's talk about that properly, because I think it's the most misunderstood thing in this entire subject.

Step two-and-a-half: Alberta is not asking permission

Here is what the Clarity Act actually is: **an ordinary federal statute**. Parliament passed it by itself in 2000 — Commons, Senate, royal assent, done.¹⁰ It is not part of the Constitution. Nobody amended anything to create it. No province consented to it. It can be repealed tomorrow by a simple majority of the same Parliament that wrote it, and it could be rewritten by a different Parliament with different priorities.

What it does is set out **the rules the Government of Canada has written for its own conduct**. That's a legitimate thing for a Parliament to do. But be clear about what it is and isn't: **the Clarity Act is Canada's stated preference for how it will respond. It is not a permission slip that Alberta has to apply for.**

And this is where the distinction that matters most in this booklet lives:

Ottawa's agreement is required for the amendment. It is not required for the asking.

Nothing in the Clarity Act, and nothing in the Constitution, gives Parliament any authority over whether Albertans may be asked a question by their own government. Alberta runs its own elections and its own referendums. That is provincial jurisdiction, plainly. **A province does not need federal consent to consult its own people, and Alberta will not be seeking any.**

The Supreme Court said as much, and it said it in terms our side too rarely quotes. In the Secession Reference the Court found **“a right to initiate constitutional change on each participant in Confederation,”** and a corresponding duty on the others **“to engage in constitutional discussions in order to acknowledge and address democratic expressions of a desire for change.”**⁹ And more directly still:

*“The other provinces and the federal government would have no basis to deny the right of the government of Quebec to pursue secession, should a clear majority of the people of Quebec choose that goal, so long as in doing so, Quebec respects the rights of others.”*⁹

Read that again with Alberta in the place of Quebec. **No basis to deny the right to pursue it.** The obligation that follows a clear result is not a favour Ottawa grants. It is a constitutional duty the Court placed on Ottawa and on every other province — and it is a duty that binds them whether they find it convenient or not.

What Quebec did about it — and what it tells Alberta

Quebec did not accept the Clarity Act’s framing, and it didn’t merely complain about it. **In the same year, Quebec’s National Assembly answered it with a law of its own.**

An Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State — universally known as **Bill 99** — received assent on **December 13, 2000**, six months after the Clarity Act.²² Its provisions are worth reading in full, because they are the plainest statement of this principle anywhere in Canadian law:

s. 2 — *“The Québec people has the inalienable right to freely decide the political regime and legal status of Québec.”*

s. 3 — *“The Québec people, acting through its own political institutions, shall determine alone the mode of exercise of its right to choose the political regime and legal status of Québec.”*

s. 4 — *“When the Québec people is consulted by way of a referendum... the winning option is the option that obtains a majority of the valid votes cast, namely 50% of the valid votes cast plus one.”*

s. 13 — *“No other parliament or government may reduce the powers, authority, sovereignty or legitimacy of the National Assembly, or impose constraint on the democratic will of the Québec people to determine its own future.”*²²

That is a province, inside Canada, telling Parliament in statutory language: *you may write your own rules for your own conduct; you do not write ours.*

And it was tested in court, hard. Bill 99 was challenged by Keith Henderson, with the **Attorney General of Canada intervening against it.** In 2018 the Quebec Superior Court dismissed the challenge in full. In April 2021 the Quebec Court of Appeal maintained that dismissal, finding there was no justiciable question to answer.²³ **Twenty-six years later, Bill 99 is still on the books, unamended in its essentials.**

Now the honest other column, because I promised it and because this is exactly where our side tends to overreach.

Bill 99 did **not** create a right to leave unilaterally, and no honest reading says it did. The Superior Court was explicit that Bill 99 confers no right of unilateral secession, and that any future secession must still run through the Canadian constitutional framework — clear question, clear majority, negotiation, amendment.²³ The Court of Appeal, while refusing to strike a word of it, also declined to bless it as valid and noted that in some contexts its provisions might prove inapplicable.²³ And the Secession Reference itself is unambiguous that a referendum result, however large, **“would have no legal effect on its own.”**⁹

International law offers no shortcut either, and you should hear this from me rather than from a critic. The Court held that the right to external self-determination — a right to simply leave — **“arises in only the most extreme of cases”**: former colonies, peoples under oppression such as foreign military occupation, or a definable group **“denied meaningful access to government”** to pursue its development.⁹ It found those circumstances “manifestly inapplicable” to Quebec, whose people plainly are represented in Canada’s institutions. **The same is true of Alberta**, and anyone telling you that international law hands Alberta an exit is selling you something. Albertans sit in Parliament, in cabinet, on the courts. That’s the honest position, and it’s fatal to the shortcut version of this argument.

So what is left, once you strip out the overreach? This — and it is not small.

Alberta has the right to **ask**, and needs nobody’s leave to do it. A clear answer from Albertans creates a **constitutional obligation on Ottawa and the other provinces to come to the table and negotiate in good faith** — an obligation the Supreme Court imposed on them, not one they granted us. And what happens after that turns on conduct, not on statute. Here is the Court again, in the passage I’d put on the wall:

*“...a failure of the duty to undertake negotiations and pursue them according to constitutional principles may undermine that government’s claim to legitimacy which is generally a precondition for recognition by the international community. Conversely, violations of those principles by the federal or other provincial governments responding to the request for secession may undermine their legitimacy. Thus, a Quebec that had negotiated in conformity with constitutional principles and values in the face of unreasonable intransigence on the part of other participants at the federal or provincial level would be more likely to be recognized than a Quebec which did not itself act according to constitutional principles in the negotiation process.”*⁹

Read that carefully, because it’s the whole ballgame. The Court is saying that the party which behaves properly gains legitimacy, and the party which stonewalls loses it — **and that this cuts both ways**. If Alberta asked a clear question, got a clear answer, consulted its Treaty partners properly, and came to the table in good faith, and Ottawa refused to negotiate in good faith in return, **it is Ottawa’s legitimacy that erodes, not Alberta’s**.

My opinion, labelled as opinion: this is why the “small voice in the House of Commons” fear, while pointing at something real, gets the shape of the thing backwards. The Clarity Act is Canada’s preference. **The right to choose belongs to Albertans, and no federal statute can legislate it away** — Quebec proved that in 2000 and defended it in court for two decades. But a right you assert is worth exactly as much as the way you exercise it. **Alberta will not be asking permission to hold a conversation. What Alberta must do — and this is the harder discipline by far — is conduct itself so impeccably that no one, anywhere, can point at the process and call it illegitimate.**

Which brings us straight back to Part Three, and to the Treaty nations, and to why that section is in this booklet at all. **The right to self-determination is not a card you play. It’s a standard you have to meet.** And you cannot meet it

while denying the same right to your Treaty partners. That isn't a caveat on the argument. It is the argument.

Step three: the amending formula — the hardest step, and the one nobody has an answer to

If a clear majority on a clear question triggered negotiations, and if those negotiations succeeded, the result would have to be enacted as a **constitutional amendment**.

And here is where I have to give you the most honest sentence in this booklet: **nobody actually knows which amending formula applies to a province leaving Canada**. The Supreme Court, in the Secession Reference, pointedly declined to say.⁹ The two candidates are:

- **Section 38 — the “7/50” general formula:** Parliament plus seven provinces representing at least 50% of the population.
- **Section 41 — unanimity:** Parliament plus **all ten** provinces, for the most fundamental matters.

The difference between those two is the difference between very hard and nearly impossible. It is an open constitutional question, and it would be litigated to the Supreme Court. **Anyone on my side of this argument who waves that away is not being straight with you.**

The staircase, then

Put it together and here is the realistic sequence a vote for option two would begin:

1. **October 19, 2026** — a non-binding majority for “commence the legal process.”
2. **Consultation with Treaty First Nations** — which, on the current state of Alberta law, is not optional. See Part Three.
3. **Legislation and the design of a binding referendum** — the question, the franchise, the threshold, the rules.
4. **The binding referendum itself** — the real vote, on a clear question.
5. **A clarity determination** — the House of Commons assessing question and majority under the Clarity Act, against a backdrop of contested constitutional law.
6. **Negotiations** — with Ottawa, the other provinces, and Treaty nations, over borders, debt, assets, pensions, citizenship, treaty obligations, and everything else.
7. **A constitutional amendment** — under a formula nobody can currently name with certainty.

That is a process measured in years, not months, with genuine off-ramps at multiple stages and no guaranteed destination.

I want to be very clear about what I've just done, because it cuts against my own side's interests in the short term. I've just told you that the road behind option two is long, legally contested, and might not arrive anywhere. **That's the truth, and you're entitled to it before you vote, not after.**

But notice what the same staircase does to the fear campaign. If someone tells you that a majority on Question 10 means Albertans wake up on October 20 outside of Canada, with a new currency and a hard border — **they are describing something that is not on the ballot, cannot happen on that timeline, and is not legally possible under the process the question itself names**. The long staircase is an honest argument against overpromising. It is a devastating argument against panic.

PART THREE

The Hardest Question

The court ruling, the treaties, and the thing I can't write around.

7. What the court actually decided, and why it matters more than the ballot

I said at the start that there's a section in this booklet that's difficult for someone in my position to write. This is it. I'd ask you to read it even if you skim everything else, and I'd ask you to hold me to the standard I set at the front: same size type, no ducking.

What happened

It started earlier than most people remember. On **December 5, 2025**, on a reference brought by Alberta's Chief Electoral Officer, **Justice Colin Feasby** of the Court of King's Bench held that the separation question then proposed — "*Do you agree that the Province of Alberta shall become a sovereign country and cease to be a province in Canada?*" — was unconstitutional, principally because turning a provincial boundary into an international one would significantly impair **treaty rights**. His line is the one that has echoed through everything since: "**First Nations, as founding partners in the creation of Alberta, cannot be ignored or bypassed.**"²⁵ A reworded question was approved later that month, and the signature drive began in January 2026.

Then, on **May 13, 2026**, Justice Shaina Leonard of the Alberta Court of King's Bench released her decision in *Athabasca Chipewyan First Nation v Alberta (Chief Electoral Officer)*, 2026 ABKB 375.¹¹ The applicants were four First Nations — **Athabasca Chipewyan, Piikani, Siksika, and the Blood Tribe**. They challenged the Chief Electoral Officer's approval of a citizen-initiative petition seeking a separation referendum.

The Court quashed the approval. Its reasoning, in plain terms:

- Approving the petition was not a minor administrative box-tick. Because clearing the signature threshold would *mandate* a referendum, the approval set a **binding legal process** in motion.
- Alberta's secession would **fundamentally alter the Treaty relationship**: it would remove Canada as the Treaty partner, convert provincial boundaries into an international border, and constrain harvesting rights that run across traditional territories that don't stop at Alberta's edges.¹²
- Those potential impacts triggered the Crown's **constitutional duty to consult**, which arises *early* — before a final decision — precisely so that consultation can still be meaningful. Waiting until after a referendum would be too late, because by then the matter has moved into the political arena.¹²
- And pointedly: the Government of Alberta "**cannot legislate its way out of their constitutional obligation to consult**" by adjusting the screening mechanism.¹²

On **June 29, 2026**, Justice Alice Woolley of the Alberta Court of Appeal granted a **partial stay** (2026 ABCA 216). The Chief Electoral Officer could proceed to verify the petition signatures and report the result — but **may not** send the proposal on to the Minister of Justice or trigger referendum proceedings until the appeal is decided.¹³ On **July 24, 2026**,

Elections Alberta reported that the petition had cleared the threshold: roughly **223,000 signatures verified** against a requirement of about **178,000**.¹⁴ It remains suspended pending appeal.

The Government of Alberta is appealing, and the Premier has said she'll take it to the Supreme Court of Canada if necessary, acknowledging that could take **“many months and possibly years.”**⁸ In the meantime, the government put its own question on the October 19 ballot by cabinet order.

The response from Treaty nations has been unambiguous. The **Confederacy of Treaty No. 6 Nations** condemned the plan and called the government's criticism of the ruling “alarming,” saying: *“While she claims to support democracy, her government's actions show the opposite.”*⁸ On **June 6, 2026, Treaty 8 First Nations** demanded Alberta *“immediately cease any attempt to proceed with a separation referendum or related process without full consultation, accommodation, and the free, prior, and informed consent of the Treaty 8 First Nations.”* Grand Chief **Trevor Mercredi** put the objection in one line: *“The duty to consult is not a bureaucratic inconvenience. It is a constitutional obligation.”*¹⁵

The narrow legal point — stated fairly, including the part that cuts against me

There is a real legal distinction between the quashed petition and the question on your ballot, and I'm going to state it precisely and then immediately tell you why it isn't the comfort some people think it is.

The Court's holding attached to an **administrative decision** — the Chief Electoral Officer approving a petition under the Citizen Initiative Act. The Court expressly acknowledged a limit on its own reasoning: **the duty to consult “does not apply to the law-making process itself.”**¹² A cabinet order setting referendum questions under the Referendum Act sits closer to that legislative side of the line. That is why the government believes Question 10 stands on different footing, and as of this printing **no court has ordered Question 10 off the October 19 ballot.**

Now the part that matters more. Legal analysts have noted that the decision **does not resolve** whether a *government-initiated* secession referendum escapes the same constitutional problem — and that the underlying duty to consult would very likely apply to such a process at some stage regardless of which machine started it.¹² A narrow procedural distinction is not the same thing as a clean bill of health. **The substantive objection Treaty nations are making is not about which statute was used. It is about whether Alberta's future can be decided without them.**

Where I actually land, and I'm labelling this opinion

Here is what I believe, written plainly.

The Treaty nations are raising the most important question in this entire debate, and they're raising it correctly.

Treaties 6, 7, and 8 were made with the Crown. They predate Alberta. They survived the Hudson's Bay Company, they survived Confederation, and they survived the 1930 transfer of resources. **They are not Alberta's to renegotiate at a convenience.** Any independence worth having would have to inherit every Crown obligation in full and entrench Treaties 6, 7, and 8 in a founding constitution at protection equal to or greater than Section 35 — and that is not a concession offered to close an argument. It's the floor.

And I'd go further, because I think our side sometimes reaches for the “consult, not veto” line too quickly and uses it as a way to end a conversation rather than start one. The legal distinction is accurate — the duty is to consult and, where warranted, accommodate; it is not a veto, and courts have said so consistently. **But being legally correct is not the**

same as being right. If a movement built entirely on the principle that *the people affected by a decision should be asked* were to run a process that treated the Treaty nations as an obstacle to be routed around, it would have refuted itself. You cannot demand self-determination while denying the same to your Treaty partners in the same breath. The whole moral force of this movement rests on a principle that either applies to everyone or is worth nothing.

So: does that mean the October 19 vote is illegitimate?

Here's my honest answer, with both halves.

No — in this specific and narrow sense: a non-binding, advisory question asking Albertans their opinion is not itself the taking of anybody's rights. Nothing on October 19 alienates a single treaty right, moves a single border, or extinguishes a single obligation. And a great many First Nations people in Alberta are also Alberta voters who will mark that ballot, and whose views on it are not uniform — Indigenous communities are not one voice, any more than Albertans are. That's the whole point of asking.

But — and this is the part I'd rather say myself than have someone else say for me: **the process that follows a "commence" majority would be legally and morally impossible without meaningful consultation, and on the current state of Alberta law it would be stopped in court without it.** That's not an inconvenience to be managed. It's the second step on the staircase in Section 6, and it's there because it belongs there. If Question 10 carries and the government treats consultation as a box to tick, it will lose — in court, and deservedly.

The other column, honestly stated. Reasonable, informed people believe that proceeding with the ballot question at all, in the shadow of an unresolved appeal and over the stated objections of Treaty 6 and Treaty 8, is itself the wrong. That is not a fringe position and it is not bad faith. It is held by serious lawyers and by the elected leadership of Treaty nations, and it deserves to be answered rather than waved at. If you find that objection decisive, you'll mark option one — and you'll have done so for a reason with real constitutional weight behind it. I would rather lose an argument to someone who understood that objection than win one from someone who never heard it.

And the last thing I'll say in this section is the one I'd most want remembered. The status quo is not a neutral baseline for Indigenous Albertans, and the outcomes of 150 years of federal stewardship are a matter of public record, not opinion. Anyone arguing that Confederation must be preserved *for* First Nations has to reckon with those outcomes honestly, exactly as anyone arguing for independence has to reckon honestly with the Treaty relationship. **Both of those obligations are real. Neither cancels the other.** This booklet is about process, and process is the only place where that tension gets worked out honestly — which is, in the end, an argument for taking the process seriously rather than for pretending the question away.

PART FOUR

The Evidence

Other democracies have held exactly this kind of vote. Here's what happened.

8. The anchor case: Quebec, 1980 — the vote about whether to have a vote

If you want to know what a “mandate to begin a process” referendum actually does, you don’t need to speculate. **Canada has already run this exact experiment.** It happened in Quebec, in 1980, and the structural parallel to Question 10 is close enough to be startling.

The setup. In 1976 the Parti Québécois won government on a promise of *étapisme* — a deliberate strategy of proceeding in stages rather than declaring independence outright. The party’s leadership had concluded that Quebecers would not vote for a leap, but might vote to start a walk. So the question they put to voters on **May 20, 1980**, was not “should Quebec become independent.” It was a mandate question — and here it is, in full, because you should see it next to Question 10.¹⁶

“The Government of Quebec has made public its proposal to negotiate a new agreement with the rest of Canada, based on the equality of nations; this agreement would enable Quebec to acquire the exclusive power to make its laws, levy its taxes and establish relations abroad — in other words, sovereignty — and at the same time to maintain with Canada an economic association including a common currency; any change in political status resulting from these negotiations will only be implemented with popular approval through another referendum; on these terms, do you give the Government of Quebec the mandate to negotiate the proposed agreement between Quebec and Canada?”

Read the bolded clause. **Quebec’s 1980 ballot contained an explicit written promise of a second referendum before anything actually changed.** That is precisely the architecture of Alberta’s Question 10 — a first vote authorising a process, with a binding vote held in reserve. Two different movements, in two different provinces, forty-six years apart, arrived at the same structure independently. That tells you something: **it is the structure a serious movement chooses when it wants a real mandate rather than a snap decision.**

The stress test. The 1980 campaign was ferocious, and the federal side ran hard on precisely the confusion this booklet exists to clear up — telling voters that a Yes was a vote to break up the country, when the ballot on its face said no such thing. Turnout was extraordinary: **85.61%.**¹⁶

The outcome. No: 59.56%. Yes: 40.44%.¹⁶ The mandate was refused, decisively.

And here’s why the story doesn’t end there — which is the actual lesson. The 1980 result did not end the question. It reset it. Over the following fifteen years the sovereignty movement kept building, kept arguing, and came back in 1995 with a second referendum that lost by roughly **one percentage point.** Meanwhile — and this is the part Albertans should study hardest — **Quebec spent those decades building the substance of self-government inside**

Confederation anyway: its own pension plan, its own income tax collection, its own immigration agreement, its own provincial police force, its own agriculture and food inspection regime, its own offices abroad. Much of that was built by governments that had *lost* the referendum.

The honest lesson, both halves. First: **a process referendum can be lost, and losing it is not fatal.** The question survives, the argument continues, and the province is not destroyed. Second, and less comfortable for my side: **a process referendum can also be lost precisely because voters didn't believe the "it's only a process" framing** — the federalist campaign of 1980 succeeded in convincing enough Quebecers that a mandate to negotiate was a decision to leave. That's a warning worth taking seriously. If you can't make the actual question understood, the question you didn't ask is the one that gets answered.

And the third lesson, which is the one I'd bet on. Quebec's real gains came not from the referendums but from the leverage the referendums created and the institutions Quebec built while everyone was arguing. **Do it first; ask permission never.** That's a strategy available to Alberta today regardless of what happens on October 19.

9. More examples: what worked, what failed, and why

One case is a story. A pattern needs more. Here's the fuller ledger, and I've deliberately included the disasters, because the disasters are where the real instruction is.

Scotland, 2014 — the gold standard for doing it properly

In October 2012 the British and Scottish governments signed the **Edinburgh Agreement**, and it is, in my view, the single best model in the modern world for how a mature democracy handles this. Before any campaigning began, the two governments **agreed the rules in advance**: the legal authority for the vote, the question wording, the franchise, the timing, and — critically — a mutual commitment that both sides would respect the outcome. Westminster passed the order transferring the necessary power so that the referendum's legality was beyond dispute.¹⁷

The vote was held **September 18, 2014**. Turnout was **84.6%** — the highest in modern British electoral history. The result: **55.3% No, 44.7% Yes.**¹⁷ The Yes side lost, accepted it, and Scotland remained in the United Kingdom. Nobody rioted. Nobody was prosecuted. The United Kingdom did not fall apart.

And the honest other column, which is essential: in 2022 the UK Supreme Court ruled that the Scottish Parliament **cannot** hold a second independence referendum without Westminster's consent.¹⁷ So the same case that proves a clean process is possible also proves that the door can be closed afterward by the larger partner. Scotland got its fair vote — once — because the UK government of the day agreed to grant one. **That's the lesson cutting both ways: agreed rules are what make a referendum legitimate, and the party that has to agree holds real power.**

Montenegro, 2006 — rules agreed in advance, including a threshold the separatists didn't want

Montenegro's independence vote is instructive because of how the *rules* were settled. The pro-independence government wanted a simple majority. The opposition wanted more. The dispute was mediated by the European Union, and EU envoy **Miroslav Lajčák** proposed a threshold that the Council of the European Union unanimously endorsed: **55% of votes cast in favour, with a minimum turnout of 50%.** Montenegro's parliament passed the referendum law unanimously on **March 2, 2006.**¹⁸

The vote was held on **May 21, 2006**. Turnout: **86.49%**. Result: **55.5% for independence, 44.5% against** — clearing the bar by roughly half a percentage point.¹⁸ Montenegro became a sovereign state, was recognised internationally within weeks, and has been one ever since.

The lesson: the independence side accepted a threshold *higher* than the one it wanted, and won under it — which is exactly why nobody could credibly dispute the result afterward. **Agreeing hard rules in advance is not weakness. It's what makes a win stick.**

Norway, 1905 — a two-stage process, done in the open

Alberta's own booklets often cite Norway, and this piece of the story fits here. Norway's separation from Sweden wasn't a single dramatic act. The Storting declared the union dissolved on **June 7, 1905**; a confirming plebiscite was held on **August 13**, carrying overwhelmingly; terms were then negotiated with Sweden at Karlstad through late summer; and a *second* national plebiscite was held in November on the form of the new state.¹⁹ **Multiple votes, negotiations in between, no shots fired.** A staged process is not a modern invention or a dodge. It is how this has been done successfully for over a century.

Now the failures — and these matter most

Catalonia, 2017 — what happens when you skip the process. On **October 1, 2017**, Catalonia held an independence referendum that Spain's Constitutional Court had suspended on September 7. There was no agreement with Madrid on rules, question, franchise, or threshold. Turnout was **43.03%**, with **92% voting yes** — the lopsided figure you get when one side boycotts, and the reason no one outside Catalonia treated the number as meaningful. The Catalan Parliament declared independence on **October 27**; Madrid imposed **direct rule under Article 155** of the Spanish Constitution and dismissed the Catalan government the next day. **Nine senior leaders were convicted of sedition on October 14, 2019** and sentenced to between **9 and 13 years** — pardoned in June 2021, though the bans from public office stood — while others fled the country.²⁰ **No state recognised the result. Catalonia is not independent.**

The lesson is brutal and it points squarely at us: a referendum held outside an agreed legal process produces no state, no recognition, and real prison sentences. **Process is not bureaucratic throat-clearing standing between a people and their freedom. Process is the entire difference between Montenegro and Catalonia.** If you take one thing from this booklet, take that.

Brexit, 2016 — what happens when you win the vote and haven't designed what comes next. On **June 23, 2016**, the United Kingdom voted **51.9% to 48.1%** to leave the European Union, on a turnout of **72.2%**. The referendum was, in law, **purely advisory** — the authorising legislation imposed no legal obligation on anyone.⁷ What followed was not a swift departure. It was **three and a half years of constitutional crisis**: a Supreme Court case over whether the government could even trigger Article 50 without Parliament, two changes of Prime Minister, a snap election, repeated parliamentary deadlock, and a second general election, before the UK finally left on **January 31, 2020**.²⁴

And here's the part every Albertan on my side of this argument should sit with. The Leave campaign won the vote. What it didn't have was an agreed answer to *what leaving actually meant* — customs union or not, single market or not, and above all what to do about the Irish border. The referendum asked a binary question about a decision with a hundred moving parts, and the answer to all hundred had to be improvised afterward, in public, under enormous pressure, with a clock running.

The lesson for Alberta is exact, and it's an argument for Question 10's structure, not against it. Brexit is the cautionary tale of a country that voted for a destination without a route. The two-stage design — a process vote first, a binding vote later, with the terms worked out in between — **is the design that exists specifically to prevent a Brexit.** A booklet like this one, and the others in this series, are the work of figuring out the route *before* the binding vote, not after it. That's the whole reason for doing it in this order.

Clearing the Air

The “yes, but...” questions, answered honestly.

10. The honest costs and risks of this specific vote

I promised the real risks in the same size type. Here they are.

“Non-binding” is a real limitation, not a technicality. No result on October 19 obliges anyone to do anything. A government could take a majority for option two and slow-walk it indefinitely, and there is no legal remedy. **And we have direct experience of exactly that:** 61.68% of Albertans voted to remove equalization from the Constitution in 2021, the Legislature passed its resolution, and nothing followed.⁵ Anyone telling you a strong number on October 19 guarantees action is ignoring the most recent evidence available.

The turnout problem is real and it cuts both ways. An advisory referendum’s only currency is its numbers. A result carried on low turnout — the 2021 vote drew 38.71%⁵ — is easy to dismiss and will be dismissed. This is the one risk that voters themselves can actually do something about, and it applies whichever option you’re marking.

The legal cloud is real. The citizen petition sits quashed and under appeal. The Treaty 6 and Treaty 8 nations have stated their objection publicly and forcefully. **The consultation question is not resolved, and it is not going to resolve itself.**^{8, 11, 15} Whatever happens on October 19, that remains the live constitutional issue, and Part Three is my honest attempt to face it rather than talk around it.

The staircase is long and it has no guaranteed destination. A binding referendum, a Clarity Act determination made by a House of Commons where Alberta is a small minority, negotiations nobody controls, and a constitutional amendment under a formula that might turn out to be unanimity. **Any one of those steps could stop this.** That is the honest shape of the road, and I’d rather you weighed it now than discovered it later.

The ten-question ballot is a genuine problem. Whatever the intent, the practical effect is that nine consequential questions will be decided by many people who read them for the first time in a voting booth. That’s not a good way to run a democracy, and I’d say so no matter who had done it.

The other half of the bill — the cost of not being asked

Now the column nobody prints on the invoice.

The cost of the status quo on this specific question is that the question never gets settled. It doesn’t go away — it just stays unresolved, unexamined, and available to be exploited by anyone who finds it useful. It stays a thing Albertans mutter about at kitchen tables and shout about online, never tested, never costed, never put to the only people entitled to answer it.

And there’s a cost to the *province*’s politics in that. An unasked question is a permanent bargaining chip for people who never intend to cash it — a grievance to campaign on that never has to be delivered. **My opinion, labelled as opinion:**

a question you're never allowed to answer is worth more to a politician than a question you settle. Settling it — in either direction — takes it off the table as a career asset.

There's also this, and I'd ask you to weigh it whatever you think of independence. **The right to be asked about your own future has cost millions of people their lives across human history.** Whole generations fought and died for it and never got it. Albertans are being handed it on a Monday in October, at a school gymnasium, at the cost of an afternoon. Whether you mark option one or option two, **the thing worth protecting here is the asking itself.**

11. Myths on this topic, answered

Myth: "A Yes on October 19 means Alberta leaves Canada." It does not, and it cannot. Question 10 asks whether the government should *commence a legal process* toward a *later binding referendum*. All results are non-binding.^{1, 4} Nothing about your citizenship, your passport, your pension, your currency, or the border changes on October 20 under any outcome. This is the single most widespread misunderstanding in the province, and it is repeated by people on both sides of the argument.

Myth: "It's a Yes/No question on separation." It's a choice between two named options — *remain a province in Canada*, or *commence the legal process*.³ There is no "yes" and no "no" printed on Question 10 at all.

Myth: "Because it's non-binding, it's meaningless — don't bother voting." Legally non-binding is not politically weightless. Brexit was legally advisory⁷ and rearranged a country for a decade. Quebec 1980 was a mandate question that lost — and set the terms of Canadian politics for a generation.¹⁶ **What determines whether an advisory result matters is the size of the number and the turnout behind it.** Which means the people telling you not to bother are, functionally, campaigning. Not voting is a choice that helps whichever side you'd have voted against.

Myth: "The courts have already banned this vote." The May 2026 ruling quashed the Chief Electoral Officer's approval of a **citizen-initiative petition** under the Citizen Initiative Act.¹¹ Question 10 reached the ballot by cabinet order under the Referendum Act — a different legal route. As of this printing no court has ordered Question 10 off the ballot. **But** — and Part Three says this at length — that is a narrow procedural distinction, the appeal is unresolved, and the substantive consultation question is very much alive.¹² Anyone using that distinction to declare the matter closed is overreaching, including anyone on my side.

Myth: "Ottawa would never allow it, so why bother?" Ottawa's agreement is required for the **amendment**. It is not required for the **asking**. Alberta runs its own referendums; that is provincial jurisdiction and no federal statute changes it. The Clarity Act is an ordinary act of Parliament setting out the rules Ottawa has written for its own conduct — it is not a permission slip Alberta applies for, and it can be repealed by the same simple majority that passed it.¹⁰ Quebec made this point in law in 2000 with Bill 99, defended it in court against the federal Attorney General, and won in 2018 and again on appeal in 2021.^{22, 23} **What Ottawa can do is refuse to negotiate in good faith. The Supreme Court's answer to that is that a government which stonewalls damages its own legitimacy, not yours.**⁹

Myth: "A referendum is separation." A referendum is a question. Democracies ask them routinely and the sky stays up. Scotland asked and stayed.¹⁷ Quebec asked twice and stayed.¹⁶ Montenegro asked and left, peacefully and with international recognition.¹⁸ **The asking is not the leaving.** It's how a free people find out what they actually think.

Myth: "This is a fringe thing that only extremists want on the ballot." The question was placed on the ballot by cabinet order, and the Premier who put it there has said she will campaign for the *remain* option.^{6, 8} Meanwhile the pro-

Canada petition gathered **404,293 verified signatures** and the separation petition cleared its threshold too.^{1, 14}

Hundreds of thousands of Albertans signed something on this question this year, in both directions. Whatever this is, it isn't fringe — it's a province with a genuine disagreement it has never been permitted to resolve.

12. Common questions

“So what am I actually deciding on October 19?” Ten things. On Questions 1–5, whether the province should pursue five specific policies. On Questions 6–9, whether Alberta should try to negotiate four constitutional changes with other provinces. On Question 10, whether Alberta should remain a province, or whether the government should begin a legal process aimed at giving Albertans a binding vote later. **None of your marks changes a law by itself.** All ten are advisory.

“If it's all advisory, why did they bother?” That's a fair and slightly cynical question, and I'd answer it in two parts. The generous reading: an advisory referendum is how a government finds out what people actually think before committing to something hard. The less generous reading, and I'll label it opinion: **a non-binding vote also lets a government take the temperature without taking a risk** — you get the political benefit of having asked without the obligation of having to act. Both readings can be true at once. Which is why the number and the turnout are the only things that will actually matter the next morning.

“Does my vote on Question 10 do anything if the courts strike the process down later?” Your vote registers what Albertans think, and that stands regardless of what any court later decides about the mechanics. But be clear-eyed: **the consultation question in Part Three is unresolved, and it is capable of stopping the process at step two.** It should be resolved properly, not routed around — and in my view that's true whether you want independence or not.

“What happens the day after if ‘remain’ wins?” Alberta remains a province of Canada, which it would have done anyway, because nothing on this ballot changes that. The question gets a clear answer, the government has its mandate, and — if the number is decisive and the turnout is real — the matter is settled for a good while. **That's a legitimate outcome and I'd rather have it than a mumble.**

“What happens the day after if ‘commence the legal process’ wins?” Nothing automatic. The government would decide whether and how to act on an advisory result. If it chose to proceed, step two is consultation with Treaty nations — not optional, and not quick — followed by legislating a binding referendum. Realistically you're looking at **years** before any binding vote, and no guarantee one ever happens. **Nobody's passport changes. Nobody's pension changes. Nobody's money changes.**

“Should I vote on all ten questions or just the one I care about?” Vote on all ten, or don't — that's yours. But read all ten before you're standing in the booth. Questions 6 through 9 in particular are substantial constitutional proposals that have had almost no public debate, and they will be counted whether or not anyone discussed them.

“Isn't 50%+1 too low a bar for something this big?” For *this* vote, the question is misplaced — Question 10 is advisory and decides nothing, so no threshold applies to it at all. The threshold question is a real and serious one for the **binding** vote further up the staircase, and it's worth having out properly then. **Montenegro is the case to study:** the independence side accepted a 55% threshold it hadn't wanted, won under it, and no one could dispute the result afterward.¹⁸ **My opinion: a threshold agreed in advance by both sides is worth more to a winning campaign than a low bar imposed by one.**

The Path Forward

13. What October 19 is, in one paragraph

It is the day Albertans get asked. Ten questions, all advisory. Nine about policy and constitutional reform, one — Question 10 — offering a choice between remaining a province of Canada and beginning a long, contested, lawful process aimed at a binding vote years from now. Nothing is decided that day. Nothing in your wallet, your passport, or your pension changes. **What happens is that, for the first time since 1905, the people who live here are asked directly what they want, and the answer is written down and counted.**

That's smaller than the fear campaign says. It is also much larger than the people telling you it's meaningless would like you to believe.

14. Real questions. Honest numbers. No spin.

I've tried, in this booklet, to treat you like an adult who can read a ballot and handle a hard section. I've told you the staircase is long and might not lead anywhere. I've told you that the most serious objection to this whole exercise comes from the Treaty nations, and that in my judgment they're raising it correctly. I've told you our own side's most recent referendum was ignored. **If I'd wanted to sell you something, I'd have left all of that out.**

What I'd ask in return is simply this: **read the ballot before you're standing in front of it.** All ten questions. Decide what you actually think, for your own reasons, and then go and mark it — whichever way you land. A big turnout with a clear answer serves this province no matter which answer it gives. A small turnout serves nobody but the people who'd rather the question had never been asked.

Come talk about it — in person. Let's Talk Alberta hosts open town halls across the province. No spin, no being told what to think — just an honest conversation and a seat saved for you. Find the next one at **letstalkalberta.com**.

Host one in your community. If there isn't a town hall near you yet, be the reason there is. Reach out at **letstalkalberta@gmail.com**.

Support the conversation. These booklets are funded by Albertans who believe the question deserves an honest hearing. You can help by e-transfer to **letstalkalberta@gmail.com**, or by mail to Let's Talk Alberta, Box 105, Mirror, AB, T0B 3C0.

And share this one especially. Give it to someone who thinks October 19 is the day Alberta leaves Canada — and give it to someone who thinks it's the day Alberta becomes free. **They're both wrong, and they're both about to vote.**

Real questions. Honest numbers. No spin. It's time we were asked — and it's time we knew what we were being asked.

Come talk about it — in person. letstalkalberta.com

Glossary: the terms you'll hear

Advisory (non-binding) referendum — A vote whose result carries no legal obligation. It records public opinion; the government decides what to do with it. **All ten questions on the October 19 ballot are advisory.**

Binding referendum — A vote whose result legally compels government action. The *object* of Question 10's second option is to eventually hold one of these on separation.

Referendum Act (Alberta) — The statute under which cabinet ordered the October 19 referendum and set all ten questions, via Orders in Council O.C. 109/2026 and O.C. 110/2026 (March 31, 2026).

Citizen Initiative Act (Alberta) — The statute allowing citizens to force a question onto a ballot by petition. Its signature threshold was lowered from 20% to 10% of votes cast in the previous general election in May 2025. This is the machinery the quashed separation petition used — **not** the machinery behind Question 10.

Order in Council (OIC) — A formal decision of cabinet, made in the name of the Lieutenant Governor. How Question 10 reached the ballot.

Duty to consult — The Crown's constitutional obligation, flowing from Section 35 of the Constitution Act, 1982, to consult Indigenous peoples — and where warranted accommodate them — when contemplating conduct that may adversely affect Aboriginal or treaty rights. It arises early, before final decisions. It is a duty to consult, not a veto — and, as Part Three argues, being legally correct about that distinction is not the same as having discharged the obligation.

Section 35 — The section of the Constitution Act, 1982 recognising and affirming existing Aboriginal and treaty rights.

Reference re Secession of Quebec (1998) — The Supreme Court of Canada's ruling that there is no unilateral right to secede, but that a clear majority on a clear question creates a constitutional duty on Ottawa and the other provinces to negotiate in good faith. Secession would require a constitutional amendment.

Clarity Act (2000) — Federal legislation requiring the House of Commons to determine that a secession referendum question was clear and the majority clear before the Government of Canada may negotiate. It expressly says a mere "mandate to negotiate" question is not clear. **An ordinary federal statute** — passed by Parliament alone, not part of the Constitution, and repealable by a simple majority. It governs Ottawa's conduct; it does not govern whether a province may ask its own people a question.

Bill 99 (Quebec, 2000) — Quebec's statutory answer to the Clarity Act, passed six months after it. Declares that the Québec people has "the inalienable right to freely decide the political regime and legal status of Québec," shall "determine alone the mode of exercise" of that right, that 50% plus one carries a referendum, and that no other parliament or government may "impose constraint on the democratic will of the Québec people to determine its own future." Challenged in court with Ottawa intervening against it; the challenge was dismissed in 2018 and the dismissal maintained on appeal in 2021. Still in force.

Internal and external self-determination — In the Supreme Court's framing, *internal* self-determination is a people's pursuit of its development within an existing state, and is the normal way the right is fulfilled. *External* self-determination — a right to simply leave — "arises in only the most extreme of cases": former colonies, peoples under oppression such as foreign military occupation, or a group "denied meaningful access to government." The Court found

those circumstances manifestly inapplicable to Quebec, and the same reasoning applies to Alberta. **The right to choose runs through the constitutional path, not around it.**

Amending formula — The rules for changing the Constitution. Section 38 (the “7/50” formula) needs Parliament plus seven provinces with 50% of the population; Section 41 needs unanimity. **Which one applies to secession is an open question the Supreme Court declined to answer.**

Étapisme — “Stagism.” The Parti Québécois strategy of proceeding toward sovereignty in deliberate stages rather than a single leap, which produced the 1980 mandate question — the closest historical parallel to Alberta’s Question 10.

Edinburgh Agreement (2012) — The agreement between the UK and Scottish governments settling the legal authority, question, franchise, timing, and mutual acceptance of the result for the 2014 Scottish independence referendum. The best modern model for agreeing the rules in advance.

References

1. *2026 Alberta referendums* — ballot date (October 19, 2026); ten questions; legal basis in the Referendum Act and Election Act via Orders in Council O.C. 109/2026 and O.C. 110/2026 (approved March 31, 2026); all results non-binding; the Citizen Initiative Act threshold lowered from 20% to 10% (May 2025); Alberta Forever Canada petition verified at 404,293 signatures. en.wikipedia.org/wiki/2026_Alberta_referendums
2. Full ballot wording of all ten questions. Elections Alberta, *Referendum* (elections.ab.ca/elections/referendum); Government of Alberta referendum information; question texts as compiled at separationfacts.ca/2026-referendum and foreveralbertan.org/referendum. **Verify against the official Elections Alberta ballot text before printing.**
3. Question 10’s two ballot options as presented to voters (“Alberta should remain a province in Canada” / “The Government of Alberta should commence the legal process required under the Canadian Constitution to hold a binding provincial referendum...”). foreveralbertan.org/referendum; albertareferendum2026.ca/separation-question
4. Elections Alberta — referendum conduct: all questions non-binding; paper ballots hand-counted; unofficial results reported within roughly 12–48 hours depending on the number of questions. elections.ab.ca/elections/referendum
5. *2021 Alberta referendum* — equalization question, October 18, 2021: 61.68% yes (642,501) / 38.32% no (399,169); turnout 38.71% (1,041,670 of 2,822,303 registered voters). en.wikipedia.org/wiki/2021_Alberta_referendum
6. Premier Danielle Smith’s televised address announcing the final wording of the separation question, May 21, 2026; cabinet formalisation of the wording. CBC News; APTN News.
7. European Union Referendum Act 2015 (UK) — the 2016 referendum created no legal obligation to implement the result; House of Commons Library briefings on the advisory nature of UK referendums.
8. APTN News — “Alberta pushing ahead with question on separation on fall referendum ballot in spite of court ruling,” May 2026: Smith’s appeal to the Court of Appeal and possibly the Supreme Court (“many months and possibly years”); Confederacy of Treaty No. 6 Nations’ response. aptnnews.ca
9. *Reference re Secession of Quebec*, [1998] 2 SCR 217 (decided August 20, 1998) — no unilateral right of secession; a clear majority on a clear question creates a duty on Ottawa and the provinces to negotiate in good faith; secession “must be considered, in legal terms, to require an amendment to the Constitution, which perforce requires negotiation” (para. 84); the Court expressly refrained “from pronouncing on the applicability of any particular constitutional procedure to effect secession unless and until sufficiently clear facts exist to squarely raise an issue for judicial determination”; negotiations would have to address the rights of minorities and Aboriginal peoples. decisions.scc-csc.ca
10. *Clarity Act*, SC 2000, c 26 (royal assent June 29, 2000) — s.1(4)(a): a clear expression of will “would not result from ... a referendum question that merely focuses on a mandate to negotiate without soliciting a direct expression of the will of the population ... on whether the province should cease to be part of Canada”; s.1: the House of Commons determines within 30 days whether the question is clear; s.2(1) and 2(3): the Commons determines whether there has been a clear expression of will by a clear majority, considering the size of the

majority of valid votes cast and the percentage of eligible voters who voted; ss.1(6) and 2(4): “The Government of Canada shall not enter into negotiations ... unless the House of Commons determines ...” laws-lois.justice.gc.ca/eng/acts/C-31.8/FullText.html

11. *Athabasca Chipewyan First Nation v Alberta (Chief Electoral Officer)*, 2026 ABKB 375 (Leonard J.), May 13, 2026 — quashing the Chief Electoral Officer’s approval of the citizen-initiative separation petition for breach of the duty to consult. Applicants: Athabasca Chipewyan First Nation, Piikani Nation, Siksika Nation, Blood Tribe.
12. Legal analyses of 2026 ABKB 375: Fasken, “Secession Referendum Halted: Alberta Must Consult First Nations Before Proceeding” (May 2026); Alberta Civil Liberties Research Centre, “Alberta’s Referendum Questions and the Duty to Consult” (June 22, 2026); Olthuis Kleer Townshend; JFK Law. Covering: the duty triggered at the approval stage as a “binding legal process”; impacts on the Treaty relationship, the Treaty partner, boundaries and harvesting rights; the Court’s statement that Alberta “cannot legislate its way out of their constitutional obligation to consult”; the acknowledged limit that the duty to consult “does not apply to the law-making process itself”; and that the decision does not resolve the position of a government-initiated referendum.
13. *Athabasca Chipewyan First Nation v Alberta (Chief Electoral Officer)*, 2026 ABCA 216 (Woolley JA), June 29, 2026 — partial stay: signature verification and reporting permitted; transmission to the Minister of Justice and the triggering of referendum proceedings stayed pending appeal. albertacourts.ca
14. Global News — Elections Alberta’s July 24, 2026 report that the separation petition met the threshold: approximately 223,000 signatures verified against a requirement of roughly 178,000. globalnews.ca
15. JURIST — “Canada’s Treaty 8 First Nations: Alberta must immediately cease all separation activities,” June 6, 2026, including Grand Chief Trevor Mercredi’s statement on the duty to consult and Section 35. jurist.org
16. *1980 Quebec referendum* — full question wording (including the written commitment that any change in political status would require approval “through another referendum”); result: No 59.56% / Yes 40.44%; turnout 85.61% (3,738,854 of 4,367,584). Élections Québec; The Canadian Encyclopedia.
17. Edinburgh Agreement, signed October 15, 2012 (providing for a s.30 Order in Council under the Scotland Act 1998 to put legal competence “beyond doubt,” a single question with Electoral Commission review, an agreed franchise and timing, and a commitment to “a result that everyone will respect”); Scottish independence referendum, September 18, 2014 — No 2,001,926 (55.3%) / Yes 1,617,989 (44.7%); turnout 84.6% (3,623,344 of 4,283,938). *Reference by the Lord Advocate*, [2022] UKSC 31 (November 23, 2022), holding unanimously that a referendum bill relates to reserved matters and is outside the Scottish Parliament’s legislative competence. emb.scot/supremecourt.uk
18. *2006 Montenegrin independence referendum*, May 21, 2006 — 55% approval threshold with a 50% minimum turnout, proposed by EU envoy Miroslav Lajčák and unanimously endorsed by the Council of the European Union; referendum law passed unanimously by Montenegro’s parliament on March 2, 2006; result 55.5% for / 44.5% against on 86.49% turnout.
19. Dissolution of the union between Norway and Sweden, 1905 — Storting declaration June 7; plebiscite August 13 (368,208 for dissolution, 184 against); Karlstad negotiations August 31 – September 23, ratified October; second plebiscite November 12–13 on monarchy versus republic (259,563 to 69,264).
20. Catalan independence referendum, October 1, 2017 — held after suspension by Spain’s Constitutional Court on September 7; turnout 43.03% (2,286,217 of 5,313,564), Yes 92.01%; declaration of independence by the Catalan Parliament October 27; Article 155 direct rule and dismissal of the Catalan government October 28; nine leaders convicted of sedition October 14, 2019 (sentences of 9–13 years; rebellion charges dismissed for absence of violence), pardoned June 22, 2021 with bans from public office maintained; no international recognition of the result.
21. *An Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State* (“Bill 99”), SQ 2000, c 46; consolidated as CQLR c E-20.2. Assented to December 13, 2000 — six months after the Clarity Act. Sections 1–4 and 13 quoted from the official English text. legisquebec.gouv.qc.ca/en/document/cs/E-20.2
22. *Henderson c. Procureure générale du Québec*, 2018 QCCS 1586 (Dallaire J., April 2018) — challenge to Bill 99, with the Attorney General of Canada intervening, dismissed in full; the Court held Bill 99 confers no right of unilateral secession and that any secession must proceed within the Canadian constitutional framework. *Henderson c. Procureur général du Québec*, 2021 QCCA 565 (April 9, 2021) — dismissal maintained on the basis that no justiciable question arose; the Court of Appeal struck only the trial judge’s declaratory paragraph pronouncing the provisions valid, holding it unnecessary, and noted the provisions could in some contexts prove inapplicable. No provision of Bill 99 was struck down.

23. United Kingdom EU referendum, June 23, 2016 — Leave 17,410,742 (51.9%) / Remain 16,141,241 (48.1%) on 72.2% turnout; the European Union Referendum Act 2015 contained no implementation provision; *R (Miller) v Secretary of State for Exiting the European Union*, [2017] UKSC 5 (January 24, 2017), requiring an Act of Parliament to trigger Article 50; UK withdrawal effective 11pm, January 31, 2020. House of Commons Library CBP-7639.
24. Court of King's Bench of Alberta, reference by the Chief Electoral Officer, decision of Feasby J., December 5, 2025 — holding the then-proposed question (“Do you agree that the Province of Alberta shall become a sovereign country and cease to be a province in Canada?”) unconstitutional on the basis of impairment of treaty rights, including the statement that “First Nations, as founding partners in the creation of Alberta, cannot be ignored or bypassed.” A reworded question was approved by Elections Alberta on December 22, 2025, with signature collection opening January 2, 2026.

The views presented are the personal opinions of Christopher Scott, presented by Let's Talk Alberta. Figures are drawn from public records and cited in full at letstalkalberta.com.

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