



OFFICE OF OHKINNIINAA AND NINAAIKS GOVERNMENT OF SIKSIKA NATION

Community Update: Siksika Nation succeeds in court challenge of Chief Electoral Officer's approval of Alberta separation referendum petition

Siksika, together with Blood Tribe and Piikani Nation, challenged the Alberta Chief Electoral Officer's decision to approve Mitch Sylvestre's citizen initiative petition for a separation referendum which he commenced under Alberta's *Citizen Initiative Act*. This was Sylvestre's second unsuccessful application for such a referendum.

The first application was found to contravene s. 35 of the *Constitution Act, 1982* under a previous version of the *Citizen Initiative Act*. At the end of last year Siksika intervened with other nations from Treaty 6, Treaty 7 and Treaty 8 in a reference case considering Sylvestre's first application. On December 5, 2025, the Court of King's Bench found that Sylvestre's petition for a separation referendum would violate the numbered treaties and was not permitted to proceed given the constitutional screening provision in the *Citizen Initiative Act* which prohibited referendum questions that contravene ss. 1-35.1 of the *Constitution Act, 1982*.

The Court found in the December decision that separation would violate the numbered treaties, including Treaty 7, because Alberta, as an independent country, would not be a party to the numbered treaties and separation would create an international border that would divide the territories of the numbered treaties and the traditional lands of some First Nations.

Alberta immediately amended the *Citizen Initiative Act*, removing the constitutional screening provision and amending other provisions. On December 12, 2025, Sylvestre applied for a second citizen initiative petition which was issued by the Chief Electoral Officer on January 2, 2026. Sylvestre gathered signatures on this question and submitted them to the Chief Electoral Officer.



Siksika, with Blood Tribe and Piikani Nation, brought a challenge (an application for judicial review) to the Chief Electoral Officer's approval of Sylvestre's second petition. A related challenges brought by the Athabasca Chipewyan First Nation (ACFN) was heard at the same time the week of April 8, 2026.

On May 13, 2026, reasons for judgment were released on the judicial reviews. The applicants (Siksika being one) were successful. The Court quashed (set aside) the Chief Electoral Officer's decision to approve the second petition on several bases, including that the Crown owed and had breached its duty to the Blackfoot Nations and ACFN to consult and accommodate prior to the Chief Electoral Officer's decision to approve Sylvestre's second petition.

Mitch Sylvestre and Alberta have both appealed the May 13, 2026, decision. Mitch Sylvestre also sought a stay of the effect of the decision pending the appeal. On June 29, 2026, the Court of Appeal issued a partial stay allowing the Chief Electoral Officer to verify the signatures submitted by Mitch Sylvestre and report to the public on this step. Under the partial stay (effective prior to the hearing of the appeal), the second petition will not proceed past the stage of verifying the signatures and reporting the results to the public on or before July 27, 2026.

