

Matt MacPherson proposes the following substitute bill:

Government Speech Neutrality Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill amends provisions related to adoption of official and other local government flags and where certain flags may be displayed.

Highlighted Provisions:

This bill:

- defines terms;
- allows certain local government entities to adopt only one official flag;
- allows certain local governments to adopt other flags for ceremonial or other purposes;
- allows the Rules Review and General Oversight Committee to review the official and other flags by certain local governments;
- allows local governments to fly only official flags in certain locations; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63G-1-704, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63G-1-704** is amended to read:

63G-1-704 . Display of flags on government property -- Indemnification --

Severability.

(1) As used in this section:

- 29 (a) "City" means the same as that term is defined in Section 10-1-104.
- 30 (b) "County" means the same as that term is defined in Section 17-60-101.
- 31 ~~[(a)]~~ (c) "Display" means, in regards to a flag, to place a flag in a prominent location on
- 32 government property where the flag is easily visible.
- 33 (d) "Exempt flag" means a flag described in Subsection (3).
- 34 ~~[(b)]~~ (e) "Flag" means a usually rectangular piece of fabric with a specific design that
- 35 symbolizes a location, government entity, or cause.
- 36 ~~[(e)]~~ (f) "Government entity" means:
- 37 (i) any local government entity, as defined in Section 63A-5b-901, including a school
- 38 within the public education system; or
- 39 (ii) any state agency, as defined in Section 63A-5b-901.
- 40 ~~[(d)]~~ (g) "Government property" means any property under the ownership or control of a
- 41 government entity.
- 42 ~~[(e)]~~ (h) "LEA governing board" means the same as that term is defined in Section
- 43 53E-1-102.
- 44 (i) "Municipality" means the same as that term is defined in Section 10-1-104.
- 45 (j) "Political subdivision" means the same as that term is defined in Section 17B-1-102.
- 46 (2) Except as provided in ~~[Subsection (3)]~~ Subsections (3) and (5), a government entity, or
- 47 an employee of a school district or school within the public education system acting
- 48 within the employee's official duties, may not:
- 49 (a) display a flag in or on the grounds of government property; or
- 50 (b) display an exempt flag described in Subsection (3) or (5) with alterations in color,
- 51 symbols, or appearance.
- 52 (3) The prohibition described in Subsection (2) does not apply to the following flags:
- 53 (a) the official flag of the United States described in Title 4 U.S.C., Ch. 1, The Flag, and
- 54 Executive Order 1959-10834, and in accordance with Section 53G-7-211;
- 55 (b) an official Utah state flag as described in Title 63G, Chapter 1, Part 5, State Flags;
- 56 (c) the current and official flag of another country, state, or political subdivision of
- 57 another country or state;
- 58 (d) a flag that represents a city, municipality, county, or political subdivision of the state~~;~~
- 59 as those terms are defined in Sections 10-1-104, 10-2-301, 17-60-101, and 17B-1-102]
- 60 if the flag is the official flag of the city, municipality, county, or political subdivision
- 61 as described in Subsection (4);
- 62 (e) a flag that represents a branch, unit, or division of the United States military;

- 63 (f) the National League of Families POW/MIA flag as described in 36 U.S.C. Sec. 902;
- 64 (g) a flag that represents an Indian tribe as defined in federal law;
- 65 (h) an officially licensed flag of a college or university depicting only the colors, logos,
- 66 and marks consistent with official college or university branding;
- 67 (i) a historic version of a flag described in Subsections (3)(a) and (b);
- 68 (j) an official public school flag;
- 69 (k) an official flag of the United States Olympic Committee, United States Paralympic
- 70 Committee, International Olympic Committee, or International Paralympic
- 71 Committee; or
- 72 (l) an official flag of an olympiad or paralympiad that occurred or will occur within the
- 73 state[; ~~or~~] .
- 74 ~~[(m) a flag of an organization authorized to use a public school facility at the location~~
- 75 ~~and during the time in which the organization is authorized to use the public school~~
- 76 ~~facility.]~~

- 77 (4)(a) A city, municipality, county, or political subdivision of the state may adopt and
- 78 have only one official flag.
- 79 (b) A city, municipality, county, or political subdivision may adopt additional flags for
- 80 ceremonial or other purposes.
- 81 (c) Adoption of a flag as described in Subsection (4)(a) or (b) is subject to review by the
- 82 Rules Review and General Oversight Committee created in Section 36-35-102 to
- 83 ensure compliance with this section.

- 84 (5)(a) A city, municipality, county, or political subdivision may display only an exempt
- 85 flag described in Subsection (3) in the following locations under the control or
- 86 jurisdiction of the city, municipality, county, or political subdivision:

- 87 (i) a courthouse;
- 88 (ii) a public airport; or
- 89 (iii) a transit facility, as defined in Section 17B-2a-802.

- 90 (b) A city, municipality, county, or political subdivision may display in any location not
- 91 described in Subsection (5)(a) an exempt flag or another flag adopted by the city,
- 92 municipality, county, or political subdivision as described in Subsection (4)(b).

- 93 (6) This section does not apply to a private organization's ability to display a flag of the
- 94 organization authorized to use a public ~~â~~→ [school] ←~~â~~ facility at the location and during
- 94a the time
- 95 in which the organization is authorized to use the public ~~â~~→ [school] ←~~â~~ facility.

- 96 ~~[(4)]~~ (7)(a) The state auditor shall:
- 97 (i) establish a process to receive and investigate alleged violations of this section;
- 98 (ii) provide notice to the relevant government entity of:
- 99 (A) each alleged violation of this section involving the government entity;
- 100 (B) each violation that the state auditor determines to be substantiated, including
- 101 an opportunity to cure the violation not to exceed 30 calendar days;
- 102 (iii) if a government entity, other than a school district or a school within the public
- 103 education system, fails to cure a violation in accordance with Subsection [
- 104 ~~(4)(a)(ii)(B)]~~ (7)(a)(ii)(B), impose a fine of \$500 per violation per day; and
- 105 (iv) deposit fines described in Subsection ~~[(4)(a)(iii)]~~ (7)(a)(iii) into the General Fund.
- 106 (b) A government entity may seek judicial review of a fine the state auditor imposes
- 107 under this section to determine whether the imposition of the fine is clearly erroneous.

108 ~~[(5)]~~ (8) Nothing in this section, for a local education agency, as defined in Section

109 53E-1-102:

- 110 (a) limits the authority of the agency related to student expression under applicable
- 111 federal or state law; or
- 112 (b) removes the agency's obligation to protect all students from discrimination.

113 ~~[(6)]~~ (9) Regarding a school district or a school within the public education system, the

114 attorney general shall defend and the state shall indemnify and hold harmless a person

115 acting under color of state law to enforce this section for any claims or damages,

116 including court costs and attorney fees, that:

- 117 (a) arise as a result of this section; and
- 118 (b) are not covered by the person's insurance policies or by any coverage agreement the
- 119 State Risk Management Fund issues.

120 ~~[(7)]~~ (10) If any provision of this section or the application of any provision of this section

121 to any person or circumstance is held invalid by a final decision of a court, the

122 remainder of this section shall be given effect without the invalidated provision or

123 application.

124 Section 2. **Effective Date.**

125 This bill takes effect on May 6, 2026.