

Matt MacPherson proposes the following substitute bill:

Government Speech Neutrality Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 ~~school~~ facility at the location and during
 94a the time
 95 in which the organization is authorized to use the public ~~school~~ 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.