



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

Via: Kelly Phillips Kenney, Supervising County Attorney /s/

From: Aisha N. Hilliard, Assistant County Attorney /s/

Date: July 6, 2022

Subject: Bill No. 74-22 – General Provisions – Miscellaneous Provisions – Flags on County Property

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law at the request of Councilman Volke for use by members of the Anne Arundel County Council during consideration of Bill No. 74-22. The summary is intended to explain the purposes and legal effects of the bill.

Background. The First Amendment Free Speech Clause allows a government entity to speak for itself and determine what views it wishes to express.¹ Therefore, the County may regulate speech on its own property. Doing so creates a distinction between private expression and government speech.

Purpose. The purpose of Bill No. 74-22 is to establish guidelines for flags permitted to be flown or displayed on County property.

Bill provisions.

Section **1-8-106** is new and establishes that the only flags that can be displayed on County flagpoles or in or on County buildings are the National Flag of the United States, the official flag of the State of Maryland, or the official flag of the County.

¹ See *Shurtleff v. City of Boston., Massachusetts*, 142 S. Ct. 1583 (2022)

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Section 2 provides that the Bill is effective 45 days from the date it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill.
Thank you very much.