



May 25<sup>th</sup>, 2025

## **Ohio Senate Bill 88 Opposition Testimony**

Chair Roegner, Vice Chair Gavarone, Ranking Member Blackshear, and members of the Senate General Government Committee,

While proponents of SB88 argue the bill safeguards national security, it raises serious constitutional concerns and should be voted against.

### **1. Equal Protection Clause (Fourteenth Amendment)**

The bill's restrictions apply broadly to individuals and entities linked to designated "foreign adversaries," potentially affecting lawful permanent residents and dual citizens. This broad application may lead to discrimination based on national origin or citizenship status, raising concerns under the Equal Protection Clause of the Fourteenth Amendment.

### **2. Due Process Clause (Fifth and Fourteenth Amendments)**

SB88 empowers the Ohio Secretary of State to compile a registry of "foreign adversaries" based on federal lists. Entities and individuals included in this registry are prohibited from acquiring specified properties. The lack of a clear process for affected parties to challenge their inclusion may violate procedural due process rights under the Fifth and Fourteenth Amendments.

### **3. Takings Clause (Fifth Amendment)**

The bill allows for the escheatment (reversion) of property acquired in violation of its provisions to the state, with subsequent sale and distribution of proceeds. If property is seized without just compensation, this could infringe upon the Takings Clause of the Fifth Amendment, which prohibits the government from taking private property for public use without just compensation.

#### **4. Commerce Clause (Article I, Section 8)**

By restricting property acquisitions based on foreign affiliations, SB88 may interfere with interstate and international commerce. Such interference could be challenged under the Commerce Clause, which grants Congress the power to regulate commerce with foreign nations and among the states, potentially preempting conflicting state laws.

#### **5. Vagueness and Overbreadth**

The bill's definitions, such as "foreign adversary" and "protected property," may be considered vague or overly broad. This lack of clarity can lead to arbitrary enforcement and may not provide adequate notice to individuals and entities about prohibited conduct, raising concerns under the Due Process Clause.

In conclusion, while SB88 seeks to protect state interests, its broad and potentially discriminatory provisions raise significant constitutional questions. Legal challenges may focus on equal protection, due process, takings without compensation, interference with commerce, and vagueness. Careful judicial review will be essential to ensure that the bill's objectives do not infringe upon constitutional rights.

All of us living in Ohio today are either immigrants or descendants of immigrants—whether first, second, third generation, or beyond. As proud Ohioans, we have worked hard to serve our communities in countless ways, contributing wholeheartedly to the Buckeye State with God-given talents. We share in the joys and accomplishments of our state, like the recent celebration of Ohio State University's College Football Championship.

United, we build a stronger Ohio; divided, we all suffer. Let us come together to strengthen our state, staying true to the Constitution, the biblical foundation, and the vision of our nation's founding fathers—one rooted in equal protection, freedom, and the processes that safeguard them.

Our church, All-nations Bible Church, serves many immigrants, bringing them to Christ to please God and expand His kingdom. This bill will play a detrimental role, essentially closing our church and many alike. As a church planter and a 15-yr Ohio resident, I strongly urge the committee to vote No to Senate Bill 88, for the sake of God's love, righteousness, and fairness, and the future of Ohio.

All-nations Bible Church

Perrysburg, Ohio