

Ohio Governor Signs Bill Limiting His Power to Close Churches

While some governors are using every available loophole to control activity during COVID-19, Ohio Gov. Mike DeWine signed a bill Wednesday to limit his own power—and that of other public officials—to close churches or delay elections. Though he has not issued an executive order to close churches due to the coronavirus, he did say that holding in-person services would be a “huge mistake.” Many churches did close.

In addition, the state’s former health director issued an order postponing the March 17 primary election.

Ohio House Bill 272 expands the court’s jurisdiction “to include any basis consistent with the Ohio Constitution and the United States Constitution to prohibit a public official (legislation) from ordering the closure of all places of worship in a geographic area, and to prohibit a public official from changing the time, place, or manner of conducting an election, except in certain circumstances.”

The bill becomes law in mid-December, 90 days after signing. Limitations on changing the date of elections and protecting in-person voting were added while the bill was in the Senate. The only exception would be in cases of enemy attack.

“During the COVID-19 pandemic, we have seen several states encroach on Americans’ First Amendment right of worship and assembly, disregarding it completely by forcing the closure of places of worship and religious institutions,” State Senator Terry Johnson, R-McDermott, told Fox 19. “While I am thankful that no such order was imposed in Ohio, this amendment is a preemptive step should we ever find ourselves in this situation again.”

The legislature in other states are seeking to pass legislation to limit the power governors are invoking through executive orders, which vary by state constitution, statutes as case law.

Governors use executive orders subject to legislative review in some states are used to:

- Trigger emergency powers during natural disasters, energy crises and other situations requiring immediate attention.
- Create advisory, coordinating, study or investigative committees or commissions.
- Address management and administrative issues such as regulatory reform, environmental impact, hiring freezes, discrimination and intergovernmental coordination.

While many churches have opted to cooperate with federal, state and local governments to slow the spread of COVID-19, the Alliance Defending Freedom (ADF) said many government officials have abused their authority to violate the religious freedom of churches.

The organization, based in Richmond, Virginia, cites one Indiana county where local officials ordered churches to close but allowed nonreligious entities such as restaurants to be open. The governor of Washington issued a stay-at-home order "so broad and ambiguous that it could have been interpreted to prevent a pastor and a small team of assistants from leaving their homes to record an online church service."

Members of a pro-life ministry in Greensboro, North Carolina, were arrested for allegedly violating the county's COVID-19 edict after praying outside of an abortion facility—even though the group took care to obey social distancing rules.

After Greenville, Mississippi, banned drive-in church services, eight uniformed police officers showed up to a

Wednesday night drive-in service at Temple Baptist Church. They issued \$500 tickets to church members in attendance who were listening to the pastor's sermon from the safety of their cars.

"Today, it is not a question of if churches will be threatened or sued for standing true to God's Word—the question is when and where such cases will arise," according to ADF. {eoa}