



Written by [Alex Newman](#) on November 9, 2011

## Ohio Votes to Nullify ObamaCare

Ohio voters overwhelmingly rejected health insurance mandates that represent the cornerstone of “ObamaCare,” with two thirds of the electorate voting in favor of a state constitutional amendment prohibiting mandatory participation in any health-care schemes. The ballot initiative was driven forward by a broad coalition including Tea Party groups, conservative activists, and others.



Under the banner of preserving Ohioans’ right to choose their own health care, the measure, known as Issue 3, strictly prohibits mandatory health-care programs. Fines and penalties for refusing to purchase insurance or other health services are also banned.

“No federal, state, or local law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system,” notes the new amendment, entitled [“Preservation of the freedom to choose health care and health care coverage.”](#)

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The measure was so popular that despite opposition from major newspapers and politicians, every single county in Ohio voted to support it — even longtime Democratic strongholds. “We saw an overwhelming reaction against forced health care,” explained Ohioans for Healthcare Freedom campaign manager Jeff Longstreth after the vote. “Health care freedom was about giving citizens freedom.”

Activists from across the nation celebrated, too. “The feedback from Issue 3 at the polls is good news for taxpayers, and bad news for President Obama,” [noted](#) Matt Kibbe, president of the liberty-minded group FreedomWorks. “Tonight’s evidence that Ohio voters are rejecting the individual mandate and showing up at the ballots to weigh in specifically on health care policy suggests that the President has a very long re-election campaign ahead of him.”

Ohio joins a growing list of states — [at least 10 so far](#) — that have nullified ObamaCare or at least components of it. So some organizations celebrated the fact that states are once again reclaiming their power to nullify unconstitutional statutes passed by Congress.

“This signifies that state level resistance to federal power is not just an old idea relegated to history books,” [said](#) Executive Director Michael Boldin of the Tenth Amendment Center, an organization working to limit federal power using state sovereignty under the 10th Amendment to the U.S. Constitution. “It’s something that’s alive and well right now.”

The Tenth Amendment Center has been working for years to turn the tide of federal overreach at the state level. ObamaCare, federal drug laws, national IDs, gun restrictions, legal tender rules, and other U.S. statutes that violate the clear limits defined in the Constitution have all come under fire thanks to a



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resurgence of interest in the 10th Amendment in recent years.

“You just say, ‘No!’” Boldin explained. “Washington D.C. will never willingly limit itself. It’s up to the states to put a check on federal power and say, ‘No!’ when Congress passes these unconstitutional acts. Ohio stepped up and did that tonight. Thomas Jefferson would be proud.”

Thomas Jefferson, one of the most important Founding Fathers, was among the early staunch advocates for state nullification of unconstitutional federal power grabs. In a [resolution](#) he authored that was adopted by the Kentucky legislature, Jefferson noted that “the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers.”

According to Jefferson’s resolution, like in all other cases of compacts between parties having no common judge, “each party has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress... whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force.”

Beyond Constitution advocates, the GOP was also overjoyed by the news out of Ohio, especially because Issue 2 — a ballot initiative to reject legislation reining in public-servant unions — brought Democrats out to the polls in force. Republican National Committee Chairman Reince Priebus celebrated the victory against ObamaCare during a Fox News interview, suggesting it was an ominous sign for an already unpopular U.S. President going into a reelection campaign.

“His keystone piece of legislation — Obamacare — goes down in a major way,” [noted](#) Priebus, who said Issue 3 essentially put Obama on the ballot. “And I think that’s what has really personalized nationally and what you can glean from Ohio, if you want to take anything out of that state tonight.”

Despite the victory celebrations, however, the full effect of the nullification vote remains unclear. Some analysts — apparently unfamiliar with American history and the U.S. Constitution — [tried to downplay](#) the significance of the amendment. They claimed it was largely “symbolic” because, in their view, federal law is supposed to trump state law.

But all of those analyses omitted a crucial point: for U.S. statutes to supersede state authority, they must be made in accordance with the Constitution. And the federal government, of course, possesses no constitutional power to meddle in healthcare — let alone force citizens to purchase insurance.

White House spokesman Adam Abrams also tried to brush aside the implications, absurdly [claiming](#) ObamaCare was “making a significant difference in lowering costs and improving care.” He also arrogantly claimed that “state ballot initiatives have no impact on the pace of implementation.”

A panel of the U.S. Court of Appeals for D.C. recently upheld the individual health-care mandate in a split ruling, confusing constitutional scholars. But other federal courts have struck down key portions of the so-called “Patient Protection and Affordable Care Act” including the mandate.

The Supreme Court is currently deciding whether or not to take the ObamaCare case. But the high court is widely expected to announce its decision to hear arguments in the not-too-distant future, with Justice Elena Kagan [having to recuse herself](#) for serving the Obama administration prior to being appointed.

A few experts expressed surprise that the Ohio amendment was approved in such a landslide — especially because of the much more high-profile Issue 2 to restore lavish benefits for government-employee unions, [which passed by a significant margin](#). But [polls](#) ahead of the referendum Tuesday



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indicated overwhelming support for Issue 3.

Some opponents of the amendment argued that touting it as support for “health care freedom” was misleading. But it was not clear why or how the title could be construed as misleading, especially since it does preserve the freedom of individuals to make their own health-care decisions.

“The amendment we’ve now added to the Ohio Constitution will jeopardize and possibly invalidate a host of already existing laws and regulations that we rely on to protect the vulnerable, ensure public health and regulate the medical and insurance professions,” complained a spokesman for the pro-big government group Innovation Ohio, which fought against Issue 3. He failed to mention, however, that the language specifically exempted any laws passed before ObamaCare.

Other critics of the amendment [worried](#) that the “vague” language might even prohibit government schools from forcing parents to vaccinate their children. Although for many health-freedom advocates, that would be an additional plus in the unlikely event that it were to happen.

The battle over ObamaCare is far from finished, but the landslide victory for Issue 3 in Ohio adds what analysts said was yet another nail in the coffin of Obama’s signature legislation. What Ohio is prepared to do to enforce its state Constitution, however, remains to be seen.

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*Photo: Jason Mihalik delivers signatures to the Ohio Secretary of State’s office on July 6, 2011, in Columbus, to ask Ohio voters to amend its constitution to prohibit a health insurance mandate: AP Images*



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