



Written by [Michael Tennant](#) on July 27, 2011

Ohioans to Vote on Nullifying ObamaCare's Individual Mandate

The [Associated Press](#) reports: "Secretary of State Jon Husted determined that supporters of the amendment ... had gathered 427,000 valid signatures. They had submitted more than 546,000 and needed roughly 358,000 of them validated to make it on to the ballot." Therefore, the proposed amendment will be placed on the ballot this fall.



The amendment was proposed by the [Ohio Project](#), a conservative grassroots organization, and was drafted by the [1851 Center for Constitutional Law](#), which describes itself as "a non-profit, non-partisan legal center dedicated to protecting the constitutional rights of Ohioans from government abuse." "A coalition of tea party organizations, small government advocates and religious groups gathered the signatures to get the health care measure on the ballot and now plan to mount a statewide campaign in support of it," according to the AP.

The [proposed amendment](#) would prohibit federal, state, and local governments from "compel[ling], directly or indirectly, any person, employer, or health care provider to participate in a health care system." In addition, it states that government at any level may not "prohibit the purchase or sale of health care or health insurance" or "impose a penalty or fine for the sale or purchase of health care or health insurance."

"The groups backing the amendment," says the AP, "are united by a common belief that government is overstepping its bounds by requiring individuals to purchase health insurance." Jeff Longstreth, campaign manager for [Ohioans for Healthcare Freedom](#), asked rhetorically: "If they can force you to buy a product, where does it end? Can it dictate what you eat? Where you live? Where you can drive?"

Although the primary aim of the amendment is to nullify ObamaCare's individual mandate, state government is included so as to "prevent the state from enacting a Massachusetts-style health care program, where the state requires a minimum level of insurance coverage," the AP observes.

The amendment specifically exempts laws passed prior to March 19, 2010 — just before the Patient Protection and Affordable Care Act (ObamaCare) became law — so that Ohioans can continue to participate in Medicare, Medicaid, workers' compensation, and other government healthcare programs. Thus, any charges that the amendment's supporters are anti-government extremists can easily be parried. (Unfortunately, while that language may be needed to obtain enough votes for passage, it does



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suggest that Buckeye State residents — and probably Americans in general — do not object in principle to socialized medicine, just this one provision of ObamaCare.)

The measure has the support of Ohio Governor John Kasich (R), whose spokesman told the AP that the Governor “remains opposed to ‘federal interference’ in Ohio health care,” though Kasich is nevertheless proceeding with establishing a statewide insurance exchange as required by the federal healthcare law.

Naturally enough, the initiative is opposed by left-wing groups, one of which is feverishly reviewing the signatures on the petitions in hopes of invalidating enough of them to prevent the proposed amendment from appearing on the ballot. However, with the large surplus of signatures collected, it seems unlikely that the group will find enough invalid ones to mount a challenge.

Of course, even if the amendment remains on the ballot and passes, it will surely be challenged in court and will probably end up before the Supreme Court. In fact, says the AP, the amendment’s proponents are hoping for precisely that outcome, saying its passage “would encourage the U.S. Supreme Court to come to a quick decision regarding the constitutionality of the federal law, since the U.S. Constitution bars state law from trumping federal statutes.”

That may be true, but a ruling on the Ohio amendment alone might only lead to the overturning of the individual mandate, leaving the rest of ObamaCare in force. The same goes for many of the state lawsuits currently making their way through the appeals courts. The only sure way to be rid of ObamaCare is for Congress to repeal it — if necessary, over the President’s veto — or for states to nullify it in full. Anything less still tightens Leviathan’s grip on Americans’ healthcare freedom.



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