

Anti-Affordable Care Act initiatives pass in wake of Obama victory

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As the dust settles from the two-year-long presidential campaign, and life begins to return to normal in swing states, voters in four states registered their continued disapproval of various provisions of the Affordable Care Act (ACA).

In a move that harkens back to pre-Civil War states' rights advocates, voters in Alabama, Wyoming and Montana overwhelmingly approved ballot measures that seek to nullify the ACA's most controversial provision: the individual mandate. In Alabama and Wyoming, the question was on amending the state constitution to prevent individuals from being compelled to participate in a health care system, and preserve individual rights in making health care choices, respectively. Montanans approved a measure with similar language that did not amend the state constitution.

Missouri, which had previously passed an anti-individual mandate ballot initiative, voted to prohibit the establishment, creation or operation of a **health insurance exchange** (HIX). State legislative Republicans proposed the initiative to prevent Democratic Governor Jay Nixon from establishing an exchange by executive order. This, however, will not prevent the federal government from running Missouri's HIX when the state fails to meet the ACA's deadlines.

Finally, the voters of Florida, which has not been officially called as voting for Governor Romney or President Obama, narrowly rejected a constitutional amendment prohibiting the individual mandate.

Each of these ballot measures, with the exception of the Missouri initiative, are widely agreed to be symbolic. States cannot nullify a duly-passed and constitutional law. Though many believed the Civil War had settled this issue, the ballot initiatives prove that a wide majority of voters in the states mentioned disagree. Interestingly, in each of the states (Missouri, Alabama, Wyoming and Montana), the ballot questions were agreed to by a larger margin than Governor Romney carried each state. This means that President Obama voters, ostensibly Democrats, switched their vote to approve measures that oppose the president's signature achievement.