



Legal In·sur·rec·tion

If Sup Ct strikes mandate, who benefits in November? (Reader Poll)

Posted by William A. Jacobson | Saturday, May 26, 2012 at 4:37pm

We're just about a month away from the Supreme Court ruling on Obamacare.

David Hogberg has a column at [Investors Business Daily](#) on the political fallout if the Supreme Court strikes down Obamacare:

A Supreme Court ruling next month striking down Obama-Care would immediately shift the battle to Congress and the campaign trail.

President Obama and Democrats would suffer a demoralizing policy defeat that would hurt him in the general election, say some observers.

“Obama will look much weaker because this is his signature domestic achievement,” said Michael Cannon, director of health policy studies at the libertarian Cato Institute. “It will also neutralize one of Romney’s biggest liabilities.”

But GOP lawmakers may come under pressure to keep popular parts of the unpopular law.

“Seniors who are getting rebates on their prescription drugs, small businesses that get tax credits, young adults able to get coverage and no pre-existing condition denials for kids – throwing those out would be unpopular,” said Ron Pollack, executive director of the liberal Families USA. “I believe that constituencies that have been helped by those things will express their discontent.”

Medicare’s prescription drug “doughnut hole” might get the most attention on Capitol Hill. ObamaCare has been closing this gap requiring out-of-pocket spending by seniors. The doughnut hole would open back up if the court tosses the entire law.

Both Republicans and Democrats could feel pressure to close the doughnut hole again. The provision is looked on very or somewhat favorably by 78% of respondents in a recent Kaiser Family Foundation poll. Seniors vote at some

“We’ll be looking to see what their plan is for health care reform and to lower costs,” he said.

He said Democrats might try to advance some of the more popular provisions in ObamaCare prior to the election.

It’s hard to say what striking down Obamacare means. Does the entire law get thrown out? That may be a distinction without a difference because so long as the mandate is stricken, the rest of the law is gutted and politically it will be viewed as striking down Obamacare.

So let’s take a vote, assuming the Supreme Court at least strikes the mandate, is it better for Obama or Romney in terms of the November election? (Poll open until 5 p.m. Eastern, Sunday, May 27)