

JEFFERSON USED HIS POSITION AS VP TO WIN

- The Constitution sets precise requirements for the form in which states are to submit their electoral votes¹
- In the 1801 election, the ballots of all states were in perfect conformity, except Georgia's²
- Georgia's submission "dramatically failed" to conform to the requirements³
- Then-VP Jefferson presided over the counting of the ballots, even as he was also one of the candidates
- Had the defective Georgia ballots been rejected, Jefferson would most likely have lost the election
- The Senate tellers told Jefferson in a loud voice that there was a problem with the Georgia ballots
- But rather than investigate, Jefferson ignored the problems and announced himself the winner in Georgia
- This proves, at a minimum, that the VP has substantial discretion to address issues with the electoral process

¹ Art. II.

² Ackerman & Fontana, *How Jefferson Counted Himself In*, *The Atlantic* (Mar. 2004).

³ *Id.*