



**STATE OF SOUTH CAROLINA
THE SENATE**

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May 15, 2009

Mr. Will Folks
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VIA EMAIL

Will,

This letter is in response to your request, and subsequent web posts, regarding the vote on Amendment #72 included in the Senate Journal of April 29, 2009.

First, it may be helpful to briefly explain how the permanent record of the Senate is created. After each legislative day, a preliminary Senate Journal is produced and published online. In an effort to allow the public to review the actions of the Senate, and their individual Senators, this daily Journal is posted online fairly quickly upon adjournment of the Senate each day. A side effect of the sometimes chaotic nature of the legislative session and the immediate publication of a preliminary Journal is that often errors are found and corrected. The webpage for each of those Journals clearly time and date stamp the last time the page was updated.

The daily Journal is not the official, final record of the Senate's proceedings. At the end of the legislative session each year, a permanent Journal is produced. Those are printed and posted on the General Assembly's website. In fact, you can view the Archives section of our website and see the Journals from past years with the "permanent" notation.

And, contrary to your posts on this subject, the permanent Journals of the House and Senate will be printed this year.

Now, as for the vote in question: no one is denying that the Journal from April 29th was corrected and no one is pointing fingers as to who is responsible for the correction.

As Clerk of the Senate, I am solely responsible for publishing the Senate Journal and the only person authorized by the Senate to make any corrections that may be necessary.

It is my opinion that all State Senators are solely and personally responsible for the votes they take. Likewise, they have the right for the record of the Senate to accurately reflect their position on any vote.

Often times, legislators are pulled in different directions and are working on a variety of issues during the limited time that they are in Columbia each week. I believe this was the case for Senator Shane Martin on April 29.

It is my understanding that he was distracted by other Senate business at the time Amendment #72 was debated and during the call of the roll someone gave him a brief explanation of the amendment that was in error. This confusion caused him to vote "aye".

Once he realized the true import of the amendment, Sen. Martin approached me about his options for changing his vote to "no". I reviewed the vote, noted that this correction would not change the result of the vote, and informed him that I would make that correction along with other corrections that were being made to the daily Journal.

In answer to your final question, there is no rule or requirement that a vote change be made with unanimous consent during a Senate session. However, changes of this type would never be made if the change would alter the outcome of a vote taken during session or after publication of the permanent Senate Journal.

This answer may not fit neatly into the conspiracy theories being woven on your website, but it has the advantage of being true.

Just to be explicitly clear -- no one else spoke to me about this correction until after your posts.

Let me know if you have additional questions.

Jeffrey Gossett