

1977 WL 37237 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 4, 1977

*1 Mr. James W. Zumwalt
County Administrator
Post Office Box 1031
Beaufort, South Carolina 29902

Dear Mr. Zumwalt:

You have requested an opinion from this Office as to whether or not the Beaufort County Council is prohibited by the provisions of Act No. 283 of 1975, the 'home rule' legislation, from decreasing the salary of the incumbent Beaufort County Auditor who is serving the unexpired portion of the previous Auditor's term. In my opinion, it is so prohibited.

Section 14-3703(7), CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, provides in part as follows:

. . . The salary of those officials elected by the people may be increased but shall not be reduced during the terms for which they were elected, . . . [Emphasis added.]

The Beaufort County Auditor is an elected official by virtue of the provisions of Section 65-1743, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended. Furthermore, inasmuch as the Section 14-3703(7) prohibition against a reduction in an elected official's salary is tied to that official's term as opposed to the official himself, the following general rule applies:

. . . where a change in compensation of compensation during the term of an officer is prohibited, a change cannot affect one subsequently appointed to fill the vacancy in an existing term. 67 C.J.S. Officers § 95 at 345 (1950). [Emphasis added.]

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

1977 WL 37237 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.