

1977 S.C. Op. Atty. Gen. 273 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-342, 1977 WL 24681

Office of the Attorney General

State of South Carolina

Opinion No. 77-342

November 1, 1977

\*1 The General Assembly may provide a graduated scale for salaries for constitutional officers, provided it is fixed and set prior to the commencement of the term of such officers.

TO: State Auditor

You have inquired whether the General Assembly may provide a graduated scale for salaries for constitutional officers so as to provide that the pay for such officers shall be gradually increased during their terms of office.

In my opinion, such graduation of compensation may be accomplished without infringement of the constitutional provision of this State which provides that the compensation of the Secretary of State, Attorney General, Treasurer, etc., shall neither be increased nor diminished during their terms of office. The Supreme Court of South Carolina has considered this question in the case of [State ex rel. McLeod v. Mills](#), 250 S.C. 21, 180 S.E.2d 638, in which it is stated:

‘—The Supreme Courts of other states have held that salaries may vary during the term of office so long as they were fixed prior to the commencement of such term of office.’

I therefore advise that a variance for such compensation may be constitutionally established, provided it is fixed and set prior to the commencement of the terms of such officers.

Very truly yours,

Daniel R. McLeod  
Attorney General

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