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July 24, 2015

Mr. Michael McCreery
United Counties Council of Illinois
217 East Monroe Street, Suite 101
Springfield, IL 62701

RE: *Changes to the Salary of an Elected Official*
Our File: UNITCC-0601

Dear Mike:

Issue

May an elected official of a unit of local government's salary be reduced during the term for which the official is elected?

Analysis

The Illinois Constitution of 1970 Article VII Section 9(b) provides that any increase or decrease in the salary of an elected official of a unit of local government shall not take effect during the term for which the official is elected. Such change in salary will take effect upon the next term of office of the elected official. The Illinois Attorney General has supported this position in several opinions.¹

¹ See Ill. Atty. Gen. Op. No. S-861 (1975); Ill. Atty. Gen. Op. No. S-1066 (1976).

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Conclusion

No, the salary of an elected official of a unit of local government may not be increased or decreased during the term for which the official is elected. Any change in salary will not take effect until the next term of office. The salary of the elected official shall not change regardless of any change in the number of employees or change in the duties of office.

Sincerely,

GIFFIN, WINNING, COHEN & BODEWES, P.C.


Herman G. Bodewes


Steven A. Milburn

HGB/SAM:tem

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Disclaimer: This opinion was prepared by Giffin, Winning, Cohen & Bodewes, P.C. at the request of UCCI and is to be used solely by UCCI and its members. The State's Attorney is the attorney for the County. Legal advice, if requested, should be sought from the State's Attorney.