

ELECTED OFFICIALS

How long can a municipal elected official serve in an office when he or she does not run for reelection and no one else runs for the position?

A person serves in his or her elected position until another individual is duly qualified and elected. Article 19, Section 5, Arkansas Constitution, states: "All officers shall continue in office after the expiration of their official terms until their successors are elected and qualified." This means that if no one is elected to the position, or there is some problem with the person starting his or her term of office, i.e., he or she is disqualified before taking office, then the incumbent remains in office until his or her successor is elected and qualified. *Justice v. Campbell*, 241 Ark. 802, 410 S.W.2d 601 (1967); Atty. Gen. Op. Nos. 2000-138, 96-011, 94-303, 95-401, 94-303. Thus, if a successor is not elected, the incumbent would hold the office throughout the new term. Atty. Gen. Op. No. 88-353; *McCraw v. Pate*, 254 Ark. 357, 373, 494 S.W.2d 94, 103 (1973).