

SECTION .2100 - ELECTIONS

21 NCAC 46 .2101 BOARD OF PHARMACY ELECTIONS: COMPOSITION AND DUTIES

History Note: Authority G.S. 90-85.7;
Eff. April 1, 1983;
Repealed Eff. May 1, 1989.

21 NCAC 46 .2102 ELIGIBILITY TO VOTE

(a) Eligible voters for Board members shall be the pharmacists licensed in North Carolina and residing in North Carolina on October 31 of the year the election begins.

(b) Eligible voters for the device and medical equipment subcommittee shall be all device and medical equipment permit holders in North Carolina and residing in North Carolina on October 31 of the year the election begins.

History Note: Authority G.S. 90-85.7; 90-85.22;
Eff. April 1, 1983;
Amended Eff. May 1, 2017; September 1, 1995; May 1, 1989.

21 NCAC 46 .2103 GEOGRAPHIC REPRESENTATIONS

Pharmacist members of the Board shall be elected from five geographic areas of the state. These five geographic areas are:

- (1) The Western District, consisting of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Wilkes and Yancey Counties;
- (2) The Northern District, consisting of Alamance, Caswell, Forsyth, Guilford, Orange, Person, Rockingham, Stokes, Surry and Yadkin Counties;
- (3) The Central District, consisting of Anson, Cabarrus, Chatham, Davidson, Davie, Iredell, Lee, Mecklenburg, Montgomery, Moore, Randolph, Richmond, Rowan, Stanly and Union Counties;
- (4) The Northeastern District, consisting of Bertie, Camden, Chowan, Currituck, Dare, Durham, Edgecombe, Franklin, Gates, Granville, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pasquotank, Perquimans, Tyrell, Vance, Wake, Warren, Washington and Wilson Counties; and
- (5) The Southeastern District, consisting of Beaufort, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Pitt, Robeson, Sampson, Scotland and Wayne Counties.

History Note: Authority G.S. 90-85.7;
Eff. April 1, 1983;
Amended Eff. May 1, 1989.

21 NCAC 46 .2104 COMMITTEE ON NOMINATIONS

The Board may appoint an advisory committee on nominations in September of each year that an election for Board position(s) begins. Members of this committee shall submit at least two names of eligible candidates for each position to be filled on the Board and on the device and medical equipment subcommittee by October 1 for the next election.

History Note: Authority G.S. 90-85.7;
Eff. April 1, 1983;
Amended Eff. May 1, 2017; July 1, 1996; May 1, 1989.

21 NCAC 46 .2105 NOMINATION BY PETITION

Nominations may also be made by the petition of 10 eligible voters from a geographic area as specified in Rule .2103 of this Section. Any petition shall be filed in the Board office or postmarked before October 1 for the next election.

History Note: *Authority G.S. 90-85.7;*
 Legislative Objection Lodged Eff. March 29, 1983;
 Eff. April 1, 1983;
 Curative Eff. April 1, 1983;
 Amended Eff. May 1, 2017; May 1, 1989.

21 NCAC 46 .2106 CONSENT TO NOMINATION

A person's name shall not be placed on the ballot without their written consent.

History Note: *Authority G.S. 90-85.7;*
 Eff. April 1, 1983.

21 NCAC 46 .2107 BALLOTS: CASTING AND COUNTING

(a) The ballot casting period for each election for a Board position shall begin on the November 1 six months prior to the expiration of a Board member's five-year term of office and shall conclude the March 1 after the ballot casting period begins.

(b) The Board shall provide access to an electronic ballot to all eligible voters on November 1 of each year that an election for Board position(s) begins.

(c) A description of a nominee's qualifications shall be accessible to all eligible voters.

(d) On or before the March 1 that the ballot casting period ends, all ballots shall be cast electronically.

(e) Ballots received shall be counted and certified by the Board of Pharmacy at the next regularly scheduled Board meeting following an election or at a special Board meeting called and noticed for the purpose of counting and certifying the ballots cast. The Board of Pharmacy shall determine the validity of any challenged ballot, and electronic or mechanical devices may be used in compiling election results. No person standing for election may participate in the counting and certification of ballots for the election involving that person.

(f) If, by operation of Rule .2108 of this Section, a candidate is eligible to request a run-off election, that candidate must provide a request for a run-off, in writing to the Board's Executive Director within one week of the date that the Board certifies the election results. The run-off election shall begin one week from the date that the eligible candidate requests the run-off election and the ballot casting period shall be open for two weeks. With the exception of ballot casting period dates, a run-off election shall follow the same procedures described in this Rule.

(g) The Executive Director shall convey the certified election results to the Governor.

History Note: *Authority G.S. 90-85.7;*
 Eff. April 1, 1983;
 Amended Eff. May 1, 2017; January 1, 2009; April 1, 2003.

21 NCAC 46 .2108 DETERMINATION OF ELECTION RESULTS

The determination of election results under this Section shall be in accordance with G.S. 163-111(a)(1) and (b)(1). A copy of G.S. 163-111 is available at www.ncleg.net.

History Note: *Authority G.S. 90-85.7;*
 Eff. March 1, 1991;
 Amended Eff. May 1, 2017; December 1, 2001.

**21 NCAC 46 .2109 DEVICE AND MEDICAL EQUIPMENT COMMITTEE
REPRESENTATIVES**

(a) The device and medical equipment committee shall consist of the following:

- (1) a representative of the medical equipment suppliers;
- (2) a representative of the medical oxygen suppliers;
- (3) a representative of the rehabilitation technology suppliers; and
- (4) two Board members appointed by the President of the Board.

(b) All device and medical equipment permit holders are eligible to vote for one representative in each category specified in Subparagraphs (a)(1)-(3) of this Rule. The representative must practice in the particular area for which he or she is nominated, but need not practice exclusively in that area.

(c) The representatives specified in Subparagraphs (a)(1)-(3) of this Rule shall be elected or appointed to terms of five years, and may not serve more than two consecutive five-year terms. The committee may establish a staggered schedule for the elections. In case of death, resignation or removal from the committee, the remaining members of the committee shall elect a representative who meets the criteria for the position.

*History Note: Authority G.S. 90-85.6; 90-85.22;
 Eff. September 1, 1995;
 Amended Eff. April 1, 2003.*