

# GUIDE TO CONDUCT ELECTIONS

## PAKISTAN STOCK BROKERS ASSOCIATION





**“ORGANIZATIONAL STRUCTURE, RULES AND PROCEDURES OF ELECTIONS,  
OF PAKISTAN STOCK BROKERS ASSOCIATION (PSBA)”**

The purpose of this guideline is to provide a framework for the Elections of the Executive Committee (EC) and Office Bearers (OB) of the Pakistan Stock Brokers Association (the Association).

The election of the Association shall be conducted according to the procedure laid down in the Memorandum and Articles of Association (the M&AOA) together read with Trade Organization Act, 2013 (the Act), Rules 2013 (the Rules), and all the relevant rules and regulations made in the context.

For the sake of clarity where any requirement in this document is not in conformity with the above-mentioned M&AOA and/or law(s), then the requirement of the latter shall take precedence.

## **1. COMPOSITION OF MANAGEMENT**

- a) The association shall comprise a Chairman, Senior Vice-Chairman (S V-C), Vice Chairman (VC), an Executive Committee (EC), and the General Body (GB).
- b) The GB shall serve as the Electoral College for the election of the Members of the EC who will elect the Chairman, S V-C, and VC (the office bearers OB) amongst themselves. However, they will not be from the same cities.
- c) The EC shall comprise persons elected by the GB from amongst its members subject to the following:
  - (i) The EC shall comprise ten members, or as determined by the GB from time to time but not more than thirty members. The representation of the number of members, of the EC shall be proportionate to the number of members of the Association among 3 locations i.e. Islamabad, Karachi, and Lahore;
  - (ii) In addition to the number of members of the EC mentioned above, two seats will be reserved for women entrepreneurs;  
  
Provided that any seats remaining vacant in any category shall not be counted towards the determination of a quorum.
  - (iii) In addition to the seats provided above, the immediate past Chairman of the Association shall be an ex-officio member of the EC without voting right;
  - (iv) The EC will have representation from the northern zone and southern zone on the basis of registered offices of members.



- (v) The OB, in addition to the functions and responsibilities assigned to them in the M&AOA, shall be ex officio members of the EC of the Association.
- (vi) The tenure of all elected OB shall be one year.
- (vii) The tenure of the Members of the EC shall be two years subject to:
  - (a) Fifty percent of the members of the EC shall retire every year;
  - (b) After the first election of the EC, a draw shall be made to determine the fifty percent of members who shall retire after the expiry of the first year.

Provided, that the number of members of EC is in odd numbers, then the retirement of 50% will be in odd and even numbers every alternate year.

- (viii) On completion of the term, OB and EC shall not be eligible to contest election or co-option in any representative capacity in the Association for the next one year.

## **2. PSBA UNDERSTANDING OF THE COMPOSITION:**

- (i) There shall be six seats for Karachi-based members/TREC Holders;
- (ii) There shall be three seats for Lahore-based members/TREC Holders; and
- (iii) There shall be one seat for Islamabad-based members / TREC Holders.

## **2. ELECTION SCHEDULE:**

- (i) Election Schedule will be announced by the EC in the first half of July.
- (ii) Within two days of its approval by the EC, the election schedule shall be:-
  - (a) displayed at the notice board of the head office and regional offices of the Association;
  - (b) displayed on the website of the Association; and
  - (c) submitted to the Regulator
- (iii) The final result shall officially be announced at the Annual General Meeting of the Association called for this purpose within fifteen days of the date of polling, but on or before 30<sup>th</sup> September.



- (iv) The final election results announced in the Annual General Meeting shall be:
- (a) Displayed at the notice board of the head office and regional offices of the Association within two days;
  - (b) Displayed on the website of the Association within two days; and
  - (c) Submitted to the Regulator within seven days.

### 3. APPOINTMENT OF ELECTION COMMISSION

- (a) Simultaneously with approval of the election schedule, as provided in rule 14, the EC of the Association shall appoint an Election Commission subject to the following conditions, namely:-
- (i) the commission comprises three members;
  - (ii) the members so appointed have submitted their consent in writing to their appointment as such;
  - (iii) the members of the commission, so appointed, have not held any office in the Association for the preceding two years;
  - (iv) the member of the commission shall not be entitled to become a candidate in the election, he is conducting;
  - (v) the members of the commission shall be independent, impartial, and non-partisan; and
  - (vi) the members of the commission shall not canvass for any of the candidates or panels contesting the elections, they are conducting.
- (b) The Election Commission shall be in charge of all arrangements connected with the conduct of elections including but not limited to-
- (i) appointment of polling staff;
  - (ii) ensuring the display of tentative voters' list by the Secretary General (SG) for the purpose of inviting objections as provided in sub-rule (3) of rule 18;
  - (iii) examination of and decision on the objections received on the voters' list as provided in sub-rule (6) of rule 18; and
  - (iv) supervision of the polling process and ensuring that the polling has been conducted in an orderly, peaceful, fair, and transparent manner in accordance with provisions of the M&AOA and instructions of the Federal Government or the Regulator in this regard; and
  - (v) counting of votes and announcement of results.



#### 4. RULES:

- (a) The election of the Members of the EC shall be held by secret ballot;
- (b) The members of the EC so elected shall proceed to elect from themselves, also by secret ballot OB and their final result shall be officially announced at the Annual General meeting of the Association called for this purpose within fifteen days of the date of polling but on or before 30<sup>th</sup> September;
- (c) On completion of their term, the retiring members of the EC shall not be eligible to stand for election or co-option for the EC in any representative capacity for the next one year;
- (d) No voting by proxy or postal ballot shall be allowed;
- (e) No member shall be entitled to vote at any meeting of the Association unless all money due on account of Membership fee or otherwise has been paid to the Association by the due date;
- (f) A member who has resigned or ceased to be a member or has been expelled from the Association shall not be entitled to attend or vote at any meeting of the Association;
- (g) The Chairman or whosoever is presiding over a meeting shall, in the case of equality of votes, have a second or casting vote except in the matter of any election of the Association.

#### 5. PROCEDURES:

- (a) The election of the Association shall be conducted according to the procedure laid down in the respective M&AOA subject to the following:-
  - (i) the election of the members of EC and OB shall be held by secret ballot;
  - (ii) neither postal ballot nor proxy shall be allowed; and
  - (iii) the polling shall be held simultaneously at the head office, regional offices, or, where the number of voters exceeds fifty, at the branch offices of the Association:

Provided that where for want of space in the office premises it is not possible to establish the polling booths, the polling shall be held in a public place such as a community hall or hotel.

- (iv) Within three days of the announcement of the election schedule member firms desiring to change their representative shall intimate changes regarding the name of the representative to the SG al along with necessary proof of eligibility;



- (v) The SG of the Association shall display, within seven days of the announcement of the election schedule, the provisional list of all members eligible to vote along with their national tax number, sales-tax-registration number, if applicable, and the name and national identity card number of their representative. The list shall be displayed at-
- a) notice board of the head office and regional offices of the Association; and
  - b) website of the Association.
- (vi) The members who have any objection to the entries in the list of voters shall send their objections in writing to the SG within seven days of the issuance of the voters' list;
- (vii) The SG shall, within five days from receipt of objections under sub-rule (4), intimate action on the objections or changes, if any;
- (viii) Any person aggrieved by the decision of the SG may, within three days of receipt of the decision, make a representation to the Election Commission which shall decide the representation within three days;
- (ix) Any person, aggrieved by the decision of the Election Commission or in case the Election Commission fails to decide the representation within the period provided in sub-rule (6), may, within three days of the decision by the Election Commission or, as the case may be, on expiry of limitation of the Election Commission under sub-rule (6), make an appeal to the Regulator who shall decide the appeal within ten days and his decision in this regard shall be final;
- (x) Within two days of the decision of the Regulator, the final voters' list shall be-
- a) displayed at the notice board of the head office and regional offices of the Association;
  - b) displayed on the website of the Association; and
  - c) submitted to the Regulator:
- Provided that if no appeal has been filed to the Regulator the final list of voters shall be displayed within fifteen days of the decision of the Election Commission under sub-rule
- (xi) Within four days of the display of the final list of voters, any person, who is eligible to contest elections for the vacant post, shall send his nomination, duly proposed and seconded by a duly registered voter and signed by the candidate, to the SG;
- (xii) Within twenty-four hours of receipt of nomination papers, a copy of the final list of voters shall be provided to each contesting candidate;
- (xiii) The nomination papers shall be scrutinized by the Election Commission and the list of candidates shall be displayed within twenty-four hours of the last date of receipt of nomination papers;



- (xiv) The objections, if any, to the nomination of the candidates may be filed to the Election Commission within twenty-four hours of the issuance of the list of candidates, which shall be decided by the Election Commission within two days;
- (xv) Within two days of the decision of the Election Commission or in case the commission fails to decide within the stipulated time provided in sub-rule (12), any candidate, aggrieved by the decision of the Election Commission or, as the case may be, on expiry of limitation of the Election Commission under sub-rule (12), may file an appeal to the Regulator, who shall decide it within seven days and his decision in this regard shall be final;
- (xvi) Within two days of the decision of the Regulator the Election Commission shall issue the final list of the candidates:  
Provided that if no appeal has been made to the Regulator, the final list of the candidates shall be issued within eleven days of the decision of the Election Commission under sub-rule (12)
- (xvii) Within five days of the display of the final list of the candidates, the polling for the election of members of the EC shall be held;
- (xviii) Within two days of the polling as provided in sub-rule (15), any person elected as a member of EC shall send, to the Election Commission for election as an OB, his nomination duly proposed and seconded by an elected EC member and signed by the candidate;
- (xix) The nomination papers shall be scrutinized by the Election Commission and a list of candidates shall be displayed within twenty-four hours of the last date of receipt of nomination papers;
- (xx) Within two days of the display of the final list of the candidates, the polling for the election of OB shall be held;
- (xxi) The final result of the election of members of the EC and OB shall be officially announced at the Annual General Meeting of the Association called for this purpose within fifteen days of the date of polling under sub-rule (18)



## 6. CONDUCT OF ELECTIONS

- (a) The ballot papers shall have duly numbered counterfoils and the voter shall sign or affix a thumb impression thereon in the presence of polling agents of the candidates and the polling officer before the issuance of ballot papers to the voter;
- (b) It shall be the duty of the polling officer to verify the identity of the voter. The only acceptable forms of identification shall be a computerized national identity card, original identity card issued by the Association, passport, and driving license. The polling officer shall, on the counterfoil, enter the number of the identification document;
- (c) After satisfying himself with regard to the identity of the voter, the polling officer shall hand over the ballot paper to the voter;
- (d) The ballot paper shall be signed by the SG or an officer of the Association duly authorized by the Election Commission on this behalf and shall also be signed by the polling officer at the time when it is issued;
- (e) Once the ballot paper has been issued to a voter, he shall not be allowed to leave the polling booth, without casting his vote in the ballot box;
- (f) Adequate arrangements shall be made to maintain the secrecy of the polls;
- (g) Proper account shall be maintained by an officer designated by the Election Commission in respect of ballot papers including used, unused, tendered, challenged, or spoiled ballot papers;
- (h) The challenged votes shall be kept in a separate sealed envelope duly signed and sealed by the polling officer;
- (i) The Election Commission or an officer designated by the commission shall decide about the challenged votes after verification of necessary information before the official announcement of the results;
- (j) No ballot paper shall be invalid for failure to have cast all votes on all seats contested for in the said election;
- (k) Counting of votes shall take place immediately after the polling hours under the supervision of the polling officer in the presence of candidates or their polling agents, if any, at the designated sites;
- (l) Provisional results may be declared by the Election Commission immediately after the counting of the votes is completed;
- (m) In the event of equality of votes between two or more candidates the result shall be decided on the basis of a draw conducted by the polling officer in the presence of the candidates or their polling agents and a record of the result thereof shall be made;





- (n) Having completed the counting and compilation of results, records pertaining to the elections shall be sealed and signed by the Election Commission or any officer designated by the Election Commission and the secretary general and shall be handed over to the secretary general for safe custody;
- (o) Upon an application made on this behalf by the candidates within seven days of the date of polling and with approval of the Regulator, the record of the elections shall be opened for inspection by the applicant in the presence of the Election Commission.

## 7. ELIGIBILITY TO VOTE

Subject to provisions of section 10 of the Act, the eligibility of a member of the Association to vote at the elections shall be subject to the following conditions, namely:-

- (a) the member has completed two years of valid membership of the Association as of the date of announcement of the election schedule by the EC of the Association:

Provided that old members shall be eligible to vote on the completion of one year of their enrollment and payment of all dues; and

- (b) the member has fulfilled the conditions of membership and renewal thereof of the respective Association under rule 11;
- (c) Every member eligible to vote shall deposit with the SG, the specimen signature card along with a photograph indicating the status of the firm, company, or concern. The right to vote shall be allowed only to the Authorized Representative (AR);
- (d) The AR shall be entitled to cast a vote at the time of election only if the name of such person has already been registered with the SG and his name appears on the list of voters.