

(104)

(179)

97. **Counting to be continuous:** The returning officer shall as far as practicable, proceed continuously with the counting and shall during any intervals when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.
98. **Recommencement of counting after fresh poll:** (1) If a fresh poll is held under rule 66, the returning officer shall, after completion of that poll, recommence the counting of the votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.
99. **Recount of votes:** (1) After the completion of the counting, the returning officer shall record in the result sheet in Form 20 the total number of votes polled by each candidate and announce the same.
- (2) After such announcement has been made, a candidate or in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to recount the votes either wholly or in part stating the grounds on which he demands such recount.
- (3) On such an application being made the returning officer shall decide the matter and may allow the application in whole or in part or may reject it in Toto if it appears to him to be frivolous or unreasonable.
- (4) Every decision of the returning officer under sub-rule (3) shall be in writing and contain the reasons therefore.
- (5) If the returning officer decided under sub-rule (3) to allow a recount of the votes either wholly or in part he shall —
- (a) do the recounting in accordance with rule 94;
- (b) amend the result sheet in Form 20 to the extent necessary after such recount; and
- (c) announce the amendments so made by him.
- (6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the returning officer shall complete and sign the result sheet in Form 20 and no application for recount shall be entertained thereafter;

Provided that no step under this sub-rule shall be taken on the completion of counting until the candidates and election agents present at the completion thereof have been given a reasonable - opportunity to exercise the right conferred by sub-rule (2).

100. **Equality of votes:** If after the counting of the votes is completed an equality of votes is found to exist between any candidates and, the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.
101. **Declaration of result of election and return of election:** (1) When the counting of votes has been completed, the returning officer shall, in the absence of any direction by the Commission to the contrary, forthwith declare the result of the election in the manner provided in these rules.
- (2) The returning officer shall —