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IN THE HIGH COURT FOR ZAMBIA 2026/HP/EP/---022

AT PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Civil Jurisdiction)

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
28 AUG 2026
PRINCIPAL REGISTRY 1
P.O. BOX 50067, LUSAKA.

IN THE MATTER OF: **ARTICLE 1(2),(3), 73 (1)(a) AND 45(2)(a)(b) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **SECTIONS 97 (2) OF THE ELECTORAL PROCESS ACT, NO. 35 OF 2016.**

IN THE MATTER OF: **SECTIONS 70, 81, 87, 94, 96, 97(1),2(b) 98(c), 99(a)(b), 100 (2) (a), OF THE ELECTORAL PROCESS ACT NO. 36 OF 2016.**

IN THE MATTER OF: **RULE 9 OF THE HIGH COURT (ELECTION PETITION) RULES, 2026**

IN THE MATTER OF: **CHAMA NORTH CONSTITUENCY ELECTIONS HELD ON 13TH AUGUST, 2026.**

BETWEEN:

DAVISON MUNG'ANDU **PETITIONER**

AND

BENSON NJOBVU **1st RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

ELECTION PETITION

THE HUMBLE PETITION OF YOUR Petitioner, DAVISON MUNG'ANDU a Zambian National of House no.31386 New Kasama, Lusaka, in the Lusaka Province of the Republic of Zambia SHOWETH THAT:

1. The particulars of the Petitioner are as stated above.

2. The 1st Respondent is the person who was declared winner of Chama North constituency in the elections held on the 13th August,2026 and was declared on the 15th August,2026.
3. The 2nd Respondent is an election management body constituted by Article 229 of the Constitution of Zambia, and is mandated to implement Zambia's Electoral Process, conduct free and fair elections and in an accountable manner as provided in Article 45(1)(2) and 45 (2) (c) of the Constitution, among other functions.

FACTS IN SUPPORT OF PETITION

4. The Petitioner contested as Parliamentary candidate for Chama North constituency of the Chama district of the Republic of Zambia in 2026 on the United National Party for Development (UPND) ticket.
5. The 1st Respondent stood on the National Reconciliation Party for Unity and Prosperity (NRPUP) and was declared winner on the 15th August,2026.
6. The conduct of the Respondent and his Agents and his Known Agents before and during the voting day rendered the elections not free and fair on the following grounds;
   i. In Nkhankha ward which has four (4) polling stations, the Agents of the Petitioner were not given forms GN20 for them to sign in two (2) polling stations. voters ticked in the voter's register was different from the number of those who voted.
   ii. At Chibale Polling station in Nkhankha ward, in both stream 1 and 2, the number the number of votes counted at the polling station were different and higher in favor of the respondent at the totaling Centre.
   iii. At the same Polling station, the Presiding officer rejected valid ballot papers in favour of the Respondent.
   iv. Voters who went to vote with their own pens, were given more than one ballot paper, meaning they voted more than once. This was observed by our Agents in Polling stations where they were present.
   v. The Presiding officer at Chibale Polling station came with a lamp, which is a symbol for the NRPUP, and put it on the table purporting that he was to use it when it got dark.

vi. Besides, there was massive distribution of salt and chitenge materials by the Respondent a day before the voting day.

vii. The Polling Agents were attacked at Chibale Polling station forcing them to flee the scene, thereby disadvantaging me. This incident was reported to the returning officer and the people who beat up and chased my Polling Agents are well known people and are often seen with the Respondent. Those involved in violence were arrested by the police.

viii. The Respondent was dishing out K50.00 notes to the voters on election day. This pattern was noticed in all the eight (8) wards and in three quarters of the Polling stations.

ix. At Ng'anjo Gravel, Kambowe and Kankomba polling stations of Luangwa ward, the register did not tally with the total number of voters and this issue was reported to the district returning Officer.

x. In Muchinga ward, there six (6) polling stations. In this ward, there was widespread intimidation orchestrated by His Royal Highness Chief Lundu a close associate of the Respondent and a staunch supporter of the NRPUP. Below are some of the examples of intimidation witnessed in this ward;

    i. The Chief called all the Headmen and instructed them to vote for Mundubile and the Respondent, his associate. The chief later followed his subjects in their respective villages and warned them to vote for the Respondent.

    ii. On the 13th August,2026, the voting day, he ferried voters from Mulopwe village to Mphyanakunda polling station where they were also served with Kudu game meat.

    iii. The polling agents were threatened to be banished from the village by the said chief forcing them to flee the polling station.

    iv. Voters were paid K100.00 each to enable them vote for the Respondent.

xi. At Chipara Ward, in particular at Mwila Polling station, the Presiding officer was the one filling in the ballot papers on behalf of the voters.

    i. At Pondo polling station, Agents for the Appellant were threatened with beatings and to confiscate the chitenges given to them, by the Agents of the Respondent if they did not vote for their preferred candidate.

ii. At NKhankha ward, there was violence against the supporters of the Petitioner and the matter was reported with dockets opened. The consequence of this violence was that most people did not vote thereby affecting the Petitioners votes.

iii. At Sitwe Polling station, there was voter buying and distribution of salt.

iv. At Mbazi polling station there were irregularities perpetuated by the Presiding officer such that the Agents for the Petitioner were not allowed to verify the GN20 forms.

v. The Respondent and his Agents distributed footballs and jerseys during the campaign period.

xii. At Chisunga ward, at Mulilo centre, there was a fight between the Agent of the Respondent and the returning officer including the police officer. This fight caused a lot of panic among the voters leading to most of them abandoning the voting centre which affected the Petitioner as most of his supporters were scared of the violent NRPUP supporters and the Presiding officers allowed the NRPUP supporters to access the Polling stations without IDs.

ALLEGED CONTRAVENTION OF THE LAW

1. By virtue of what is stated from paragraphs 4 -6(H-J) and L by the Petitioner:

(a) That there was non-compliance of the law by the 1st Respondent by allowing his Agents to intimidate, beat and threatened by the Polling Agents of the Petitioner and an officer of the Electoral Commission of Zambia breached sections 67(3),83, 89 of the Electoral Process Act no 35.0f 2016

(b) Paying of bribes contravened section 97 of the Electoral Process Act no 35.0f 2016 And section 35 of the Anti-corruption Act no.3 of 2012

(C) There was also non-compliance of the law when Agents for the 1st Respondent coerced Agents of the Petitioner to sign GN 20 before the counting of the votes contrary to sections 69 and 70 Electoral Process Act no 35.0f 2016.

(d) Directing voters in lines on who to vote for was in contravention of the Poll Day Regulations, section 87(e) of the Electoral Process Act no 35.0f 2016 and Article 91 of the Constitution of Zambia

(e) Failure to provide Security by the 2nd Respondent breached section 4 of Electoral Process Act no 35.0f 2016

(f) Voters who were ticked in the voter's register was different from the number of those who voted.

(g) The non-compliance of the law occurred when the Presiding officer at Chibale Polling station came with a lamp, which is a symbol for the NRPUP, and put it on the table purporting that he was to use it when it got dark contrary to the of Electoral Process Act no 35.0f 2016

(h) Failure to provide Security by the 2nd Respondent breached section 4 of Electoral Process Act no 35.0f 2016.

RELIEFS SOUGHT BY THE PETITIONERS

1. An Order for a RECOUNT
2. Or in the alternative for a declaration that the elections for Chama North of the Chama District is null and void,
3. Damages for breach of duty by the 2nd Respondent.
4. Costs
5. Any other relief the court may deem fit

YOUR PETITIONERS WILL FOREVER PRAY.

Dated at Lusaka this.....day of 2026

DAVISON MUNG'UNDU

Filed by Counsel of:

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TO: THE 2ND RESPONDENT

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