0977-758357

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Election Jurisdiction)

2026/HP/EP/ 030

IN THE MATTER OF: ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016 OF THE LAWS OF ZAMBIA

IN THE MATTER OF: SECTIONS 72, 92, 96, 97, 98, 99 AND 100 (2) (a) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA

IN THE MATTER OF: PART III OF THE HIGH COURT (ELECTION PETITION) RULES 2026 OF THE LAWS OF ZAMBIA

AND

IN THE MATTER OF: AN ELECTION PETITION RELATING TO BANGWEULU CONSTITUENCY PARLIAMENTARY ELECTIONS HELD ON THURSDAY, 13TH AUGUST, 2026

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 31 AUG 2026 PRINCIPAL REGISTRY 1 P.O. BOX 50067, LUSAKA.

BETWEEN:

REUBEN CHAMA (MALE) **PETITIONER**

AND

HAPPY MAMPA (MALE) **1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

ELECTION PETITION

The Petition of **REUBEN CHAMA** a Zambian National who ordinarily resides at Plot No. 16, off Ring Road, New Kasama, Lusaka in the Lusaka District in Lusaka Province of the Republic of Zambia and for purposes of this Petition, his address for service is Messrs. M.K Achiume & Associates of House No. 4, Impala Road, Woodlands in the City and Province of Lusaka.

1. Your Petitioner is a person claiming to be a candidate in the Parliamentary Election for the Bangweulu Constituency in Samfya District of the Luapula Province of the Republic of Zambia having duly filed his nomination to which this Petition relates.

2. Your Petitioner states that the election to which this Petition relates was held on the 13th day of August, 2026 when your Petitioner **Reuben Chama** and the Respondent **Happy Mampa** were candidates and the returning officer has declared **Happy Mampa** as being duly elected.

3. Your Petitioner says that:

   (a) On 13th August, 2026, elections were held in Bangweulu Constituency for the election of Member of Parliament and the candidates who successfully filed their nominations for the Bangweulu Constituency Parliamentary seat included Chabala Moses of Zambia Must

Prosper (ZMP), the Petitioner standing as an Independent (IND), Chanda Derrick of Citizens First (CF), Kasandwe Anthony under the National Reconciliation Party for Unity and Prosperity (NRPUP) and the 1st Respondent Happy Mampa standing under the United Party for National Development (UPND).

(b) On 13th August, 2026, elections were held in Bangweulu Constituency for the election of Member of Parliament and between 14th August, 2026 and 15th August, 2026 results from 99 of 112 Polling Stations were verified. However, only results for 96 of the 99 Polling Stations were printed and announced by the Returning Officer at the totaling Centre at Samfya Town Council Chamber.

(c) The printed results for the said 96 Polling Stations were duly confirmed and accepted by all the stakeholders notwithstanding the results for the 3 Polling Stations that were not entered. Hence, at this point, only results from 13 Polling Stations remained to be verified and announced.

(d) On 15th August, 2026, the 2nd Respondent's Returning Officer Kabo Milton informed all the stakeholders present that he had been instructed by the 2nd Respondent to close the Totaling Centre and postpone all election related business that is the verification and announcement of election results to the following day at 10:00 hours.

(e) Upon the said announcement, armed Zambia Police Service Officers moved in and instructed that all the stakeholders to leave the Totaling Centre and come back the next day. However, the ballot boxes and the Gen 20 Forms for the remaining results from the 13 Polling Stations were left with the Returning Officer and other officers of the 2nd Respondent.

(f) When the Petitioner and other stakeholders arrived at the Totaling Centre around 09:00 hours on 16th August, 2026, they were all refused entry by the armed Zambia Police Service Officers present. As a result, the Petitioner and other stakeholders went to see the District Electoral Officer Mr. Paul Kabwebwe at his office.

(g) According to Mr. Paul Kabwebwe, the results for the 13 Polling Stations were ready for verification and announcement and that the Returning Officer would proceed in that regard at the Totaling Centre.

(h) However, when the Petitioner and the other stakeholders present approached the Returning Officer to verify and announce the results for the remaining 13 Polling Stations, the Returning Officer refused to announce the results. He however informed the stakeholders present that results would only be announced when instructions to that effect were received from the 2nd Respondent.

(i) From the agreed 10:000 hours when the verification and announcing of results was scheduled to take place as indicated the previous day, the Totaling Centre was never opened for purposes of election business.

(j) However, around 18:00 hours on the 16th of August, 2026, the Returning Officer without verification and announcement of results from the remaining 13 Polling Stations as indicated, proceeded to announce final results for the 112 Polling Stations of the Bangweulu Constituency.

(k) According to the results of the 112 Polling Stations, the 1st Respondent received a total of 13,012 votes while the Petitioner received a total of 10,734 votes. From the results announced, the 1st Respondent won the election with a difference of 2,278 votes and the Returning Officer on the same day, the 16th of August, 2026 declared the 1st Respondent as duly elected Member of Parliament for Bangweulu Constituency.

(l) The Petitioner will aver that upon receipt of the record of proceedings at the totaling of votes duly signed by the Returning Officer representing the election results from all the 112 Polling Stations, the results did not represent the true reflection of the votes announced.

(m) Further, the Petitioner will aver that there were discrepancies with respect to votes counted from 8 of the 13 Polling Stations that were not announcement particularly **Kaishe 1**, **Sakala 2**, **Ninge 1**, **Mufimba 1**, **Yongolo 1**, **Chesemba 1**, **Chinsanka 1**, **Njipi 2** and **Mwelela**. In these named Polling Stations, the 1st Respondent was given inflated figures from the actual votes received against the figures on actual Gen 20a Forms.

(n) The Petitioner will further aver that in some of the Polling Stations, the 1st Respondent was given votes that went beyond the total number of votes cast by the registered voters before allocation of the votes to the individual participating candidates.

(o) The Petitioner will aver that contrary to the results announced by the Returning Officer, the actual outcome of the results from 112 Polling Stations including results from the 13 Polling Stations indicate the Petitioner was in fact, the duly elected Member of Parliament for Bangweulu Constituency.

(p) The Petitioner will also aver that the declaration of the 1st Respondent was based on election results which included discrepancies and did not reflect the true votes counted for all the 112 Polling Stations in the Constituency and as such, the Returning Officer failed to perform his duties as an Election Officer.

(q) The Petitioner will therefore aver that the conduct of the 2nd Respondent's Returning Officer in the circumstances contravened the provisions of Section 72, 92, 96 and 97 (2) (b) of the Electoral Process Act No. 35 of 2016.

4. **WHEREOF** your Petitioner **PRAYS** for a declaration that:

(a) The election of the 1st Respondent be declared void; or
(b) The Petitioner be declared duly elected.

Signed by: _____
THE PETITIONER

Dated at _____ this _____ day of _____, 2026.

This Petition was settled by **Messrs M.K Achiume & Associates** of House No. 4, Impala Road, Woodlands, Tel: +260 211 269509, Email: mkatmuyaluw@gmail.com P.O. Box 320138, Lusaka the Advocates for the Petitioner whose address is at Plot No. 16, off Ring Road, New Kasama, Lusaka, Email: reubenchama@gmail.com

To: **THE 1ST RESPONDENT**
Happy Mampa

To: **THE 2ND RESPONDENT**
Electoral House
Haile Selassie Avenue
Longacres
LUSAKA

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Election Jurisdiction)

2026/HP/EP/030

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
31 AUG 2026
P.O. BOX 50067, LUSAKA

IN THE MATTER OF:	ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016 OF THE LAWS OF ZAMBIA
IN THE MATTER OF:	SECTIONS 72, 92, 96, 97, 98, 99 AND 100 (2) (a) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA
IN THE MATTER OF:	PART III OF THE HIGH COURT (ELECTION PETITION) RULES 2026 OF THE LAWS OF ZAMBIA
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BETWEEN:

REUBEN CHAMA (MALE)	**PETITIONER**
AND	
HAPPY MAMPA (MALE)	**1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

SKELETON ARGUMENTS FILED IN SUPPORT OF ELECTION PETITION

IF IT MAY PLEASE THIS HONOURABLE COURT, these are the Petitioner's Skeleton Arguments filed in support of Election Petition challenging the validity of the election of the 1st Respondent as Member of Parliament for Bangweulu Constituency on 13th August, 2026. The Petitioner shall therefore rely on the following authorities:

LEGISLATION:

2. THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT, NUMBER 2 OF 2016.
3. THE ELECTORAL PROCESS ACT, NUMBER 35 OF 2016.
4. THE HIGH COURT (ELECTION PETITION) RULES, 2026

INTRODUCTION

At this Juncture, is the Petitioner's submission that what needs to be determined is whether the Petition herein has been properly brought before the Court.

THE LAW

First, the Petitioner relies on the **CONSTITUTION OF ZAMBIA (AMENDMENT) ACT, NUMBER 2 OF 2016** which demands compliance by political parties and candidates participating in elections to comply with electoral code of conduct. Article 54 of the Constitution therefore provides that;

'A candidate and a political party shall comply with a prescribed electoral code of conduct.'

Therefore, failure to comply with the electoral code of conduct can give rise to an election petition challenging the election of a Member of Parliament. In this regard, **ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT, NUMBER 2 OF 2016**, further provides that;

'A person may file an election petition with the High Court to challenge the election of a Member of Parliament.'

Taking into consideration the foregoing authority, the **ELECTORAL PROCESS ACT NO. 35 OF 2026** under Part VIII provides for various election offences upon which an election of Member of Parliament may be challenged. **Section 96 of the Act** provides that;

"(1) A question which may arise as to whether—
(a) A person has been validly appointed or nominated as a Member of Parliament;
(b) the seat of an elected or nominated Member of Parliament, mayor, council chairperson or councilor, has become vacant, other than a question arising from the election of a candidate as a Member of the Parliament; or
(c) A petition may be heard and determined by the High Court or tribunal upon application made by—
(i) Any person to whom the question relates; or
(ii) The Attorney General; may be determined by the High Court or a tribunal, as the case may be.
(2) A person who makes an application to the High Court or a tribunal under subsection (1), has the right to appear and be represented before the High Court or tribunal.
(3) Subject to any rules of court or tribunal, the powers, practice and procedure of the High Court or a tribunal in respect of the trial of an election petition under this Part shall apply, with the necessary modifications, to the hearing and determination of such applications.

Further, the law under **SECTION 97 (1) and (2) (b) OF THE ELECTORAL PROCESS ACT** also provides that;

(1) An election of a candidate as a Member of Parliament, mayor, council chairperson or Councillor shall not be questioned except by an election petition presented under this Part.
(2) The election of a candidate as a Member of Parliament, mayor, council chairperson or councilor shall be void if, on the trial of an election petition, it is proved to the satisfaction of the High Court or a tribunal, as the case may be, that—
(b) Subject to the provisions of subsection (4), there has been non-compliance with the provisions of this Act relating to the conduct of elections, and it appears to the High Court or tribunal that

the election was not conducted in accordance with the principles laid down in such provision and that such non-compliance affected the result of the election;

The provisions of **SECTION 98 OF THE ELECTORAL PROCESS ACT** also provides that;
An election petition may be presented to the High Court or a tribunal by one or more of the following persons:
(a) A person who lawfully voted or had a right to vote at the election to which the election petition relates;
(b) A person claiming to have had a right to be nominated as a candidate or elected at the election to which the election petition relates;
(c) A person claiming to have been a candidate at the election to which the election petition relates; and
(d) The Attorney General.

The Act further provides under **SECTION 99** that;
Any of the following reliefs may be claimed in an election petition:
(a) A declaration that the election was void; or
(b) A declaration that any candidate was duly elected.

In accordance with above provisions, the **HIGH COURT (ELECTION PETITION) RULES OF 2026** accordingly provides a guide to the contents of an election petition and how the election petition should be filed. Rule 9 accordingly provides as follows:
"9. (1) A person who intends to challenge the election of a Member of Parliament shall file an election Petition in Form III set out in the First Schedule on payment of a fee set out in the Second Schedule.
(2) An Election Petition referred to under sub rule (1) shall disclose the-
(a) Name and address of a petitioner or the petitioner's legal practitioner, if any;
(b) Constituency in which an election petition being challenged was held;
(c) Outcome or results of an election petition being challenged;
(d) Date of declaration of the results of an election being challenged;
(e) Grounds relied on; and
(f) Relief sought by a petitioner.
(3) An election petition referred to under sub rule (1) shall be accompanied by-
(a) An affidavit verifying facts;
(b) Skeleton arguments of not more than fifteen pages, in font size 12 and with double spacing;
(c) List of authorities and copies of those authorities;
(d) A list and description of documents, if any.

In the case in casu, the Petitioner filed this petition aimed at invalidating the election of the 1st Respondent as Member of Parliament for Bangweulu Constituency and the Petitioner in his petition has alleged non-compliance with the Electoral Process Act. The Petition submits that the no-compliance arises from the 2nd Respondents actions relating to the stopping and or adjourning the verification and announcing of election results on 15th August, 2026 to 16th August, 2026.
Further, the failure of the 2nd Respondent's Returning Officer not verifying and announcing results for 13 Polling Stations and further announcing results that did not represent the true or correct votes cast and counted for over 8 Polling Stations contrary to the provisions of **SECTION 72 (1) (b) OF THE ELECTORAL PROCESS ACT** which provides as follows:

"(1) Upon receipt of the items mentioned in section seventy-one, a returning officer shall tally the results of votes received from the polling station in the constituency, district and ward and shall-

……(b) declare the results for the National Assembly and Ward election.."

Notwithstanding the foregoing, the Returning Officer as an election officer at the totaling centre in the circumstances, deliberately failed to perform his functions contrary when he, despite having received the results for the 13 Polling Stations decided not to announce the said results. This was contrary to the provisions of **SECTION 92 OF THE ELECTORAL PROCESS ACT** which provides that;

"An election officer who willfully fails to perform the functions of that office under this act commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both"

With respect to the foregoing, the Petitioner's Petition herein is properly before the Court for determination.

Dated at _____ this _____ day of _____, 2026

This Petition was settled by:

Messrs M.K Achiume & Associates
House No. 4, Impala Road
Woodlands
Tel: +260 211 269509
Email: mkatmuyaluw@gmail.com
P.O. Box 320138
LUSAKA
ADVOCATES FOR THE PETITIONER

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Election Jurisdiction)

2026/HP/EP/ 038

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
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ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

LIST AND DESCRIPTION OF DOCUMENTS TO BE RELIED ON

(Pursuant to Rule 9 (3) of the High Court (Election Petition) Rules of 2026 of the Laws of Zambia)

The following is a list and description of documents to be relied on by the Petitioner;

Item No.	**Description of Document**
1.	National Registration Card
2.	Voter's Card
3.	Record of Proceedings at the totaling of votes - National Assembly
4.	Declaration of Results of the Poll - National Assembly
5.	Gen 20 Forms

Dated at _____ this _____ day of _____, 2026.

Filed by:

Messrs M.K Achiume & Associates
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