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

2026/HP/EP/039

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, 76, 87, 97, 98, 99, 100 AND 108 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA**
IN THE MATTER OF:	**RULE 9 OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 OF THE LAWS OF ZAMBIA**
AND	
IN THE MATTER OF:	**AN ELECTION PETITION RELATING TO THE CHILUBI CONSTITUENCY PARLIAMENTARY ELECTION**
BETWEEN:	
SIMON MUSONDA MUWA	**PETITIONER**
AND	
MATHIAS CHITEMBO	**1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

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

ELECTION PETITION

The Petition of **SIMON MUSONDA MUWA**, a Zambian National who ordinarily resides at Plot No. 360, Linda Road , Bonaventure, Lusaka in the Lusaka District of the Lusaka Province of the Republic of Zambia, and for purposes of this Petition, whose address for service is as above **SHOWETH THAT:**

1. Your Petitioner was a candidate at the Parliamentary Election for Chilubi Constituency, in the Northern Province of the Republic of Zambia, under the sponsorship of the Citizens First (hereinafter referred to as "**CF**"), and accordingly has standing to present this Petition pursuant to Section 98(c) of the Electoral Process Act No. 35 of 2016 ("the Act").

2. The 1st Respondent was a candidate at the Parliamentary Election for Chilubi Constituency, in the Northern Province of the Republic of Zambia, who was

sponsored under the ticket of the United Party for National Development (hereinafter referred to as **"UPND"**).

3. The 2nd Respondent is a statutory body established under Article 229 of the Constitution of Zambia as amended by Act No. 2 of 2016, who is mandated manage and conduct elections at presidential, parliamentary, and local government levels.

4. And your Petitioner states that the election was held on the 13th day of August 2026. when **SIMON MUSONDA MUWA** and **CHITEMBO MEPHIAS** were candidates and the Returning Officer returned **CHITEMBO MEPHIAS** as being duly elected as Member of Parliament for Chilubi Constituency.

GROUNDS RELIED ON

5. Your Petitioner states that the election to which this Petition relates was held on the 13th day of August, 2026, when your Petitioner, standing under CF, and, among others, the 1st Respondent, standing under the UPND, were candidates, and John Longwe, the returning officer for Chilubi Constituency, having received and tallied the results from all 93 of 93 polling stations in the constituency in accordance with Sections 71 and 72(1) ascertained that out of a total of 32,418 votes cast, your Petitioner polled 2,760 votes, the 1st Respondent polled 10,429 votes, the remaining candidates polled a total of 28,187 votes between them, and that 1,460 ballot papers were rejected as invalid.

6. Your Petitioner states that the said total number of votes tabulated by the returning officer and indicated on the Declaration of Result (Form GEN 20b) do not match the total number of votes actually cast and a declaration upon arriving at a sum total of the votes polled by each individual candidate in addition to the total rejected votes.

7. Your Petitioner will further aver that equally in the Presidential and Local Government elections held on the 13th of August, 2026 the said John Longwe, being the returning officer for Chilubi District, wrongly calculated and declared the total

number of votes cast, as such declared total did not tally with the votes polled by each individual candidate in addition to the total rejected votes.

8. Your Petitioner will aver at trial that the elections in Chilubi District were characterised by low voter turnout.

9. As a result of the low voter turn-out and the lack of observation monitors at the various polling stations, cadres of the UPND party unlawfully placed pr-marked ballots into the ballot boxes at the polling stations.

10. During the vote counting process at the respective polling stations the polling agents of Your Petitioner were not presented with copies of the Gen20 forms outlining the number of votes casts and the votes polled by each respective candidate.

11. Your Petitioner shall further aver that during the vote counting process of the elections held in Chilubi District, there were several acts of violence perpetrated by cadres of the UPND with the full knowledge of the 1st Respondent, and the servants and/or agent of the 2nd Respondent.

GROUNDS RELIED ON

12. Your Petitioner will further aver that the Declaration by the 2nd Respondent that the 1st Respondent had been duly elected as Member of Parliament for Chilubi Constituency was an illegal practice, irregular and unlawful in that:

    i. the 1st Respondent through his cadres in adding pre marked ballots to the ballot box was contrary to Section 87 of the Electoral Process Act No. 35 of 2016;
    ii. that the polling agents of the Petitioner were not granted access to the Gen20 forms at the various polling stations;
    iii. The ballots contained in the various ballot boxes do not reflect the number of ballots actually cast by individual voters who were entitled to vote at the election; and
    iv. The votes announced at various polling stations unlawfully added votes to the 1st Respondent's vote count which were not cast in the election.

WHEREOF your Petitioner PRAYS for a determination and declarations that:

i. the purported Declaration naming the 1st Respondent as duly elected Member of Parliament for Chilubi Constituency, be declared void and of no legal effect;

ii. the costs of and occasioned by this Petition be borne by the Respondents; and

iii. any other or further relief this Honourable Court may deem fit.

Dated at Lusaka this _____ day of _____ 2026.

_____
THE PETITIONER

Drawn by: _____
Simon M. Muwa
Lusaka

To: Mathias Chitembo
LUSAKA

The Electoral Commission of Zambia
Elections House, Haile Selassie Avenue,
P.O. Box 50274
LUSAKA

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

2026/HP/EP/039

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, 76, 97, 98, 99, 100 AND 108 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 OF THE LAWS OF ZAMBIA, AS AMENDED BY THE ELECTORAL PROCESS (AMENDMENT) ACT NO. 12 OF 2026**

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

AND

IN THE MATTER OF: **AN ELECTION PETITION RELATING TO THE LUPOSOSHI CONSTITUENCY PARLIAMENTARY ELECTION HELD ON THURSDAY, 13TH AUGUST, 2026, THE DECLARATION OF THE RESULT THEREOF MADE ON 16TH AUGUST, 2026, AND THE PURPORTED FURTHER DECLARATION OF THE RESULT THEREOF MADE ON 18TH AUGUST, 2026**

BETWEEN:

LAZAROUS CHUNGU BWALYA **PETITIONER**

AND

SHADRECK MWANSA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

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

SKELETON ARGUMENTS AND LIST OF AUTHORITIES IN SUPPORT OF AFFIDAVIT VERIFYING FACTS

MAY IT PLEASE THIS HONOURABLE COURT; These are your Petitioner's Skeleton Arguments and List of Authorities in Support of the Affidavit Verifying Facts;

LIST OF AUTHORITIES

STATUTES:

1. **Constitution of Zambia Act No.2 of 2016**
2. **The Electoral Process Act No. 35 of 2016**

SKELETON ARGUMENTS

1. THE LAW

1.1. My Lord/Lady, your Petitioner has presented this Petion pursuant to the provisions of **Article 73(1)** of the Constitution of Zambia as amended by Act No. 2 of 2016 (the Constitution), **Section 100** of the Electoral Process Act, and **Rule 9** of the High Court (Election Petition) Rules), 2026. The said provisions of law state:

Article 73(1):
"A person may file an election petition with the High Court to challenge the election of a Member of Parliament."
Section 96:
"(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 councillor, 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 AttorneyGeneral; may be determined by the High Court or a tribunal, as the case may be"
Rule 9:
"(I) 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."

1.2. My Lord/Lady, it is our humble submission that the above provisions of law cloth this Honourable Court with the necessary jurisdiction to hear and determine a petition relating to the election of a Member of Parliament.

1.3. My Lord/Lady, following the cast of the vote in an election it is the mandate of the Electoral Commission of Zambia (the Commission) as provided under Article 229 of the Constitution to tally the votes cast and declare the winner of an election. This mandate is conferred on the returning officer in an election, who's declaration must be

in line with the votes cast and counted. Section 72(1) of the Electoral Process Act No. of 2016 states that the Returning officer shall:

> ***"A returning officer shall, on receipt of the items specified under section 71, tally the results received from a polling station in a constituency, district and ward and shall— (a) announce the results of the votes for the presidential, Member of Parliament, mayoral, council chairperson or councillor elections; and (b) declare the results of the votes for the Member of Parliament, mayoral, council chairperson or councillor election."***

1.4. My Lord/Lady,Section 72(1) confers a specific duty on a returning officer to ascertain the results of an election by reference to the results received from a polling station.

1.5. My Lord/Lady, the results that are ascertained from a particular polling station are recorded on a Gen20 form which is then signed as being accurate by various witnesses who are polling agents.

1.6. My Lord/Lady, any results declared by a returning officer which do not reflect the results of the ballots actually cast at polling stations, and which further are tallied in the absence of election polling agents, monitors, and observers cannot be relied upon and ought to be thrown out entirely.

I therefore humbly pray that the declaration of the 1st Respondent as being elected for Chilubi Constituency be declared void, and fresh elections be held.

Drawn by: _____

Simon M. Muwa
Lusaka

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

2026/HP/EP/039

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REGISTRY OF THE HIGH COURT FOR ZAMBIA
31 AUG 2026
RECEIVED
P.O. BOX 50067, LUSAKA.

BETWEEN:

SIMON MUSONDA MUWA — **PETITIONER**

AND

MATHIAS CHITEMBO — **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA — **2ND RESPONDENT**

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MAY IT PLEASE THIS HONOURABLE COURT; These are your Petitioner's Skeleton Arguments and List of Authorities in Support of the Affidavit Verifying Facts;

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Dated the _____ day of _____ 2026.

Drawn by: _____
Simon M. Muwa
Lusaka

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
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BETWEEN:

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MATHIAS CHITEMBO **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

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

PETITIONER'S LIST OF DOCUMENTS

Pursuant to Rule 9(3)(c) of the High Court (Election Petition) Rules, 2026

The following is a list of documents relating to the matters in question which the Petitioner shall rely on at trial:

NO.	DESCRIPTION OF DOCUMENTS
1.	Declaration of Results - MP
2.	Declaration of Result - Presidential
3.	Declaration of Results – Council Chairperson
4.	Video of pre-marking of ballots
5.	Any other document the Petitioner may rely on at trial.

Dated at Lusaka the_____ day of_____ 2026.

Drawn by: _____
Simon M. Muwa
Lusaka

To: Mathias Chitembo
LUSAKA

The Electoral Commission of Zambia
Elections House, Haile Selassie Avenue,
P.O. Box 50274
LUSAKA