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

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/033**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF: **ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2026 OF THE LAWS OF ZAMBIA**

AND

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**

AND

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**

1ST RESPONDENT'S ANSWER TO ELECTORAL PETITION (PURSUANT TO RULE 10 (1) OF THE HIGH COURT ACT ELECTION PETITION) RULES 2026

The 1st Respondent Shadreck Mwansa responds to the Petition of Lazarous Chungu Bwalya filed on 7th September 2026 as follows:

1. The Respondent was one of the 8 (eight) Parliamentary Candidates for the Luposohi Constituency in the election held on 13th August 2026 and the candidate who was duly declared as duly elected Member of Parliament for Lupososhi Constituency and has since been sworn into office as Member of Parliament for Lupososhi Constituency.

2. The 1st Respondent does not dispute paragraph 1, paragraph 2 and paragraph 3 of the Petition.

4. The 1st Respondent will state that at no time was the Petitioner first declared as duly elected member of Parliament. The truth is that the 1st Respondent is the one who was first declared to be duly elected Member of Parliament for Lupososhi Constituency and as can be seen from some videos, the declaration of the winner was disrupted by the unruly supporters of the petition especially the Petitioner's son.

5. Your 1st Respondent will state that contrary to the contents of paragraph 5 of the Petition, the declaration of results of the votes Form 20b the 1st Respondent had 9,533 votes followed by the Petitioner's 6,890.

6. Your 1st Respondent as regard paragraph 6 of the Petition responds that the Declaration of results Form 20b and the Return of the Poll (Form ECZ 19) for Lupososhi Constituency shows that the 1st Respondent was the winner of the pool with 9,533 votes whilst the Petitioner had 6,890 Votes.

7. Your1st Respondent will aver as regard paragraph 7 of the Petition that contrary to the Petitioner's assertion that the 1st Respondent was declared winner under the second declaration on 18th August 2026, it is him that was declared winner after the 2nd declaration on 18th August and the Returning Officer justified the 2nd declaration in favour of the 1st Respondent as due to undue influence violence and threats exercised on him and that the First Declaration of 16th August 2026 was free and voluntary without any duress.

8. Your 1st Respondent will state as regard paragraph 8 of the Petition, the Petitioner by exercising undue influence violence and threats on the Returning Officer fraudulently generated another Gen 20b that ascribed the Petitioner with 9,533 votes and the 1st Respondent 6,890 in otherwise swapping the votes for the 1st Respondent with those for the Petitioner and the returning Officer was categorical about the undue influence in some Video Recordings.

9. Your 1st Respondent as regard paragraph 9 and paragraph 10 of the Petition will state that the Returning Officer was by duress and undue influence violence and threats forced to make a Second Declaration in favour of the Petitioner as a result of violence perpetrated by the Petitioner's Agents especially the Petitioner's son This can be seen in some videos captured at the Totaling Centre.

10. Your 1st Respondent will aver that he was not privy to the letter written by the Petitioner's Lawyer to the Electoral Commission of Zambia Chief Electoral Officer.

11. Your 1st Respondent is not privy to the content of paragraph 12 and paragraph 13 of the Petition.

12. Your 1st Respondent agrees with the Petitioner that the Second Declaration was null and void and illegal as only one declaration is allowed under the Law.

13. The Petitioner is not entitled to any of the relief set out in paragraph 18 of the Petition save to say that it is the Petitioner who was named in the Second Declaration as winner and not the 1st Respondent.

14. The 1st Respondent further urged the Court to uphold the 1st Respondent's election as Member of Parliament for Lupososhi.

Dated the ..... day of 2026

.....
SHADRECK MWANSA

Messrs VN Michelo & Partners
2nd Floor, Afcom House, Room 81
P.O Box 21103
KITWE
(Advocates for the 1st Respondent)

To: Messrs Joseph Chirwa and Company
Plot No. 10426 Manda Hill Road, Behind
Manda Hill Mall, Olympia Park
LUSAKA
(Advocates for the Petitioner)

To: Electoral Commission of Zambia
Electoral House, Longacres
LUSAKA
(2nd Respondent)

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
10 SEP 2026
PRINCIPAL REGISTRY 3
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1ST RESPONDENT'S LIST OF AUTHORITIES AND COPIES OF AUTHORITIES

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KITWE
(Advocates for the 1st Respondent)

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1ST RESPONDENT'S LIST OF AUTHORITIES AND COPIES OF AUTHORITIES

The following is the Authority that the 1st Respondent will rely on:

Section 97(4) of the Electoral Process Act, Act No. 35 of 2016.

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P.O Box 21103
KITWE
(Advocates for the 1st Respondent)

97. (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 councillor 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— (a) a corrupt practice, illegal practice or other misconduct has been committed in connection with the election— (i) by a candidate; or (ii) with the knowledge and consent or approval of a candidate or of that candidate's election agent or polling agent; and the majority of voters in a constituency, district or ward were or may have been prevented from electing the candidate in that constituency, district or ward whom they preferred; (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; or (c) the candidate was at the time of the election a person not qualified or a person disqualified for election.

(3) Despite the provisions of subsection (2), where, upon the trial of an election petition, the High Court or a tribunal finds that a corrupt practice or illegal practice has been committed by, or with the knowledge and consent or approval of, any agent of the candidate whose election is the subject of such election petition, and the High Court or a tribunal further finds that such candidate has proved that Electoral Process Avoidance of elections (a) a corrupt practice or illegal practice was not committed by the candidate personally or by that candidate's election agent, or with the knowledge and consent or approval of such candidate or that candidate's election agent; (b) such candidate and that candidate's election agent took all reasonable means to prevent the commission of a corrupt practice or illegal practice at the election; and (c) in all other respects the election was free from any corrupt practice or illegal practice on the part of the candidate or that candidate's election agent; the High Court or a tribunal shall not, by reason only of such corrupt practice or illegal practice, declare that election of the candidate void.

(4) An election shall not be declared void by reason of any act or omission by an election officer in breach of that officer's official duty in connection with an election if it appears to the High Court or a tribunal that the election was so conducted as to be substantially in accordance with the provisions of this Act, and that such act or omission did not affect the result of that election

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1ST RESPONDENT'S LIST OF AUTHORITIES AND SKEETON ARGUMENTS

AUTHORITIES

Statutes referred to:

SECTION 97(4) OF THE ELECTORAL PROCESS ACT

May it please the Honorable Court.

These are the 1st Respondent's List of Authorities and Skeleton Arguments.

The Petitioners alleges that he was in the First Declaration declared as the duly elected Member of Parliament for Lupososhi Constituency and the 1st Respondent was also similarly duly elected in the Second Declaration as Member of Parliament for Lupososhi Constituency.

The 1st Respondent alleges that the Petition was the one who was Declared First as Lupososhi Constituency Member of Parliament and that in the Second Declaration the Petitioner was also declared as Member of Parliament for Lupososhi Constituency.

The Returning Officer Mr. Oscar Kafunda clarified that the First Declaration in which the 1st Respondent was declared as dully elected Member of Parliament for Lupososhi Constituency was done without any duress or undue influence from anyone whilst when making the Second Declaration he was under duress and undue influence.

THE LAW

Section 97 (4) of the Electoral Process Act enacts as follows:

"An election shall not be declared void by reason of any act or omission by an election officer in breach of that officer's official duty in connection with an election if it appears to the High Court or a tribunal that the election was so conducted as to be substantially in accordance with the provision of this Act, and that such act or omission did not affect the result of that election."

My Lord we submit based on the authority of Section 97 (4) of the Electoral Process Act that the elections were conducted in accordance with the provision of the act and the alleged Second Declaration was as a result of duress, violence and intimidation against Electoral Commission of Zambia Officers.

Dated the ..... day of 2026

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