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

2026/HP/EP/033

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 AFFIDAVIT IN VERIFICATION OF FACTS IN THE PETITION

I, **SHADRECK MWANSA** a Zambian National Resident at Chibusa Primary School, Sub Chief Chibaye, Lupososhi District in the Northern Province of the Republic of Zambia Do **HEREBY** make Oath and Say as follows:

1. That my full names and address are as stated above.

2. That I am the 1st Respondent in the matter herein and therefore competent to depose to this Affidavit from facts and matters that are either within my own knowledge in which case they are true or have learnt by me through perusal of documents and by discussion with my various agents in the Polling Stations and Totaling Centre in which case they are true to the best of my knowledge.

3. That I was a candidate in the Parliamentary Election for Lupososhi Constituency in the Northern Province of the Republic of Zambia where I was contesting to be Member of Parliament (MP) under the ticket of the United Party for National Development (UPND) on the 13th August 2026, where I believe to have had a right to be elected to the position of Member of Parliament for the aforementioned Constituency at the aforementioned election.

4. That the 1st 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.

5. That the 1st Respondent was declared to have won the Lupososhi Parliamentary by the Returning Officer by the name of Oscar Kafunda with 9,533 votes as against the Petitioner's 6,890 votes. Exhibited herein and marked **"SM1"** are the Declaration of the Results of the Pool (Gen 20b) and **"SM2"** is the Record of Proceedings at the Totaling of Votes Form (under the ECZ 2021 regulation 50).

6. That the Returning Officer when making declaration for the pool started with the results of a candidate with the lowest votes to the candidates with higher votes.

7. That when the Returning Officer mentioned the name of the Petitioner at the 7th position in ascending order in the order of the votes received, the supporters of the Petitioner especially the son to the Petitioner by the name of Loyd Bwalya who was also the Petitioner's Election; the said Loyd Bwalya moved in to disrupt the

declaration of the votes by storming the place where the Returning Officer and other Electoral Commission of Zambia Officers sat during the announcement of the results. Exhibited herein and marked **"SM3"** is a video contained in a flash disk **"F"** showing the disruption of the declarations of votes.

8. That Returning Officer despite the commotion, lawlessness, intimidation, threats and violence perpetrated by the Petitioner's Agents and supporters continued to declare the results on 16th August 2026 and declared the 1st Respondent as a duly elected Member of Parliament for Lupososhi Constituency.

9. That after the declaration of the votes by the Returning Officer the 1st Respondent left Lupososhi District for Kasama.

10. That later the Returning Officer was captured on a video clarifying the position that the 1st Respondent was declared as the duly elected Member of Parliament for Lupososhi Constituency. Exhibited herein and marked **"SM4"** is a video recording of the Returning Officer clarifying the position that he declared the 1st Respondent as a duly elected Member of Parliament for Luposohi Constituency.

11. That a clarification by the Returning Officer was as a result of declaration not having been loud and clear as a result of the fracas that happened on the 16th of August 2026 during the declaration.

12. That it has come to the attention of the 1st Respondent that there was another declaration by the same Returning Officer to the effect that the Petitioner was declared as the duly elected Member of Parliament for Lupososhi Constituency after the 1st Respondent had left the Lupososhi District for Kasama.

13. That the 1st Respondent has come across a video recording in which the Returning Officer clarified that the second declaration to the effect that the Petitioner was declared as duly elected Member of Parliament for Lupososhi Constituency was as a result of undue influence, intimidation, threats and violence directed against the Returning Officer. Exhibited herein and marked **"SM5"** is a video recording contained in flash disk **"F".**

14. That I was duly elected as a Member of Parliament for Lupososhi Constituency and a subsequent second declaration by the Returning Officer that the Petitioner was duly elected as Member of Parliament for Lupososhi Constituency was null, void and illegal as only one declaration is valid under the Law.

15. That further the subsequent Declaration of the Results of the Pool (Gen 20b) and the Record of Proceedings at the Totaling of Votes Form (under the ECZ 2021 regulation 50) shown by the Petitioner in his Affidavit in Verification of the Petition was fraudulently done under undue influence, intimidation and violence as the Returning Officer was afraid of the Petitioner's Electoral Agents.

16. That I pray for the dismissal of the Petition with Costs and also for the arrest of the perpetrators of the violence, intimidation and other misconduct at the Totaling Centre.

17. That I depose to the above believing the same to be true to the best of my knowledge and belief.

Sworn by the said)

SHADRECK MWANSA) .....

the.....day of .....2026)

Before Me:.....

Commissioner for Oaths

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
CERTIED TRUE COPY OF THE ORIGNAL
CLERK OF COURT
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/033**
AT THE PRINCIPAL REGISTRY
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BETWEEN:

LAZAROUS CHUNGU BWALYA **PETITIONER**

AND

SHADRECK MWANSA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 10 SEP 2026 PRINCIPAL REGISTRY 3 P.O. BOX 50067, LUSAKA

CERTIFICATE OF EXHIBITS

These are the Exhibits referred to as Exhibit **"SM1", "SM2", "SM3" "SM4"** and **"SM5"**contained in flash disk **"F"** in the Affidavit of **SHADRECK MWANSA.**

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA CERTIED TRUE COPY OF THE ORIGNAL CLERK OF COURT COMMISSIONER FOR OATHS P.O. BOX 50067, LUSAKA

Before Me:.....

Commissioner for Oaths

"SM1"

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

GEN 20b
[Regulation 50(2)]
(complete in triplicate)

DECLARATION OF THE RESULTS OF THE POLL - Member of Parliament

I, KAFUNDA OSCAR being the Returning Officer for LUPOSOSHI Constituency, LUPOSOSHI District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said constituency and that they have been given to.

Name of Candidate	Political Party	Votes	Votes (in words)
MWANSA Shadreck	UPND	9,533	Nine Thousand Five Hundred and Thirty-Three
BWALYA C Lazarous	NRPUP	6,890	Six Thousand Eight Hundred and Ninety
BWALYA F Benson	IND	2,910	Two Thousand Nine Hundred and Ten
MPUNDU Romano	IND	1,014	One Thousand and Fourteen
MWANSA M Rachael	CF	936	Nine Hundred and Thirty-Six
LUNKOTO B Paul	SP	638	Six Hundred and Thirty-Eight
MULENGA P Bornface	IND	548	Five Hundred and Forty-Eight
MPUNDU Reagan	IND	431	Four Hundred and Thirty-One

I further declare that a total of 626 ballot papers have been rejected as invalid and that a total of 23,526 Votes were cast.

I therefore declare that the said MWANSA Shadreck to be this day duly elected as Member of Parliament for LUPOSOSHI Constituency.

Dated this 18 day of August, 2026

Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
KAFUNDO [illegible]	UPND	[illegible]			
Joshua Mumba	Observer	[illegible]			
Philip Sinkala	Media	[illegible]			
MUMBA WINNIE	ZEC	[illegible]			

1. This form must be completed in sufficient quantities to give one copy to each candidate or their polling agent by the Returning Officer. The Returning Officer must read out aloud the text from the original to the public at the place where the totalling of the votes takes place.
2. The full names of the candidates, party and votes received in figures and words must be inserted in the columns above, with the successful candidate's name at no. 1.
3. The original of this form must be delivered to the Electoral Commission of Zambia by the quickest possible means and a copy must be retained by the Returning Officer.

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(complete in triplicates)

SM2

ELECTORAL COMMISSION OF ZAMBIA
THE Electoral Process Act,2016
(Act No.35 of 2016)
The Electoral Process(General) Regulation,2021
(Regulation 50)

RECORD OF PROCEEDING AT THE TOTALLING OF VOTES - Member of Parliament

District: LUPOSOSHI

Constituency: LUPOSOSHI

Number of polling Stations: 65 of 65

Date of Poll: 13-08-2026

Date and Time Totalling Commenced:

Polling Station	Total Ballot Papers found in Box	1 BWALYA C Lazarous (NRPUP)	2 BWALYA F Benson (IND)	3 LUNKOTO B Paul (SP)	4 MPUNDU Reagan (IND)	5 MPUNDU Romano (IND)	6 MULENGA P Boniface (IND)	7 MWANSA Shadreck (UPND)	8 MWANSA M Rachael (CF)	9 Rejected Ballot Papers	Total
Bulaya Primary School-01 - 107012000301	192	35	2	2	4	0	2	138	0	9	192
Chabula Local Court-01 - 107012005601	385	59	197	1	7	3	25	73	1	19	385
Chabula Primary School-01 - 107012005901	451	55	182	3	16	9	37	131	4	14	451
Chambo Primary School-01 - 107012001201	266	134	2	2	2	1	0	124	0	1	266
Chanika Primary School-01 - 107012004901	300	43	52	8	12	3	18	129	29	6	300
Chibaye Primary School-01 - 107012001001	402	202	4	3	15	4	2	148	0	24	402
Chibiliti Catholic Church-01 - 107012005301	157	22	73	2	4	0	17	35	0	4	157
Chibusa Primary School-01 - 107012000901	194	22	0	2	0	0	0	165	0	5	194
Chimbwi Primary School-01 - 107012002101	676	100	4	7	4	2	2	540	6	11	676

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Polling Station	Total Ballot Papers found in Box	1 BWALYA C Lazarous (NRPUP)	2 BWALYA F Benson (IND)	3 LUNKOTO B Paul (SP)	4 MPUNDU Reagan (IND)	5 MPUNDU Romano (IND)	6 MULENGA P Bomface (IND)	7 MWANSA Shadreck (UPND)	8 MWANSA M Rachael (CF)	9 Rejected Ballot Papers	Total
Chisense Primary School-01 - 107012003201	400	100	47	21	6	90	12	85	19	20	400
Chisensela Pentecoastal Church-01 - 107012004701	330	50	20	2	1	182	2	56	3	14	330
Chisole Village-01 - 107012004401	262	30	96	1	1	9	1	115	8	1	262
Chisuna Community School-01 - 107012003801	217	33	57	20	2	18	11	50	18	8	217
Chita Community School-01 - 107012000401	187	60	9	3	6	0	14	91	1	3	187
Chitwa Primary School-01 - 107012000701	183	61	13	1	4	1	14	85	0	4	183
Chungu Primary School-01 - 107012002301	485	129	48	6	3	15	1	89	186	8	485
Chungu Primary School-02 - 107012002302	456	106	42	5	10	22	2	104	155	10	456
Chushi Village-01 - 107012003501	291	45	42	7	4	66	3	109	10	5	291
Ifiso Primary School-01 - 107012002201	446	112	6	4	2	75	7	105	108	27	446
Ikamonga Community School-01 - 107012001901	443	80	2	9	6	0	3	332	3	8	443
Kabangalala Primary School-01 - 107012003701	386	121	33	36	11	65	20	84	10	6	386
KabomboPrimary School-01 - 107012004501	419	58	29	4	7	15	3	295	3	5	419
Kalaba Primary School-01 - 107012002001	348	87	15	3	4	8	5	201	16	9	348
Kalaba Primary School-02 - 107012002002	576	16	7	0	0	0	0	509	1	43	576
Kalomboshi Community School-01 - 107012001301	337	200	22	21	12	5	3	64	0	10	337
Kanwabatemi Community School-01 - 107012004101	249	36	28	0	3	4	5	172	0	1	249
Kapama Community School-01 - 107012004301	372	76	46	15	8	11	58	97	51	10	372
Kapoma Primary School-01 - 107012003601	440	55	55	56	4	6	4	243	13	4	440
Kapundu Community School-01 - 107012004801	455	267	38	5	4	32	4	64	36	5	455
Kaputu Kapala Primary School-01 - 107012002601	325	43	0	93	4	13	1	161	4	6	325
Kasanga Catholic Church-01 - 107012005001	316	29	28	10	14	1	14	203	5	12	316

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Polling Station	Total Ballot Papers found in Box	1	2	3	4	5	6	7	8	9	Total
		BWALYA C Lazarous (NRPUP)	BWALYA F Benson (IND)	LUNKOTO B Paul (SP)	MPUNDU Reagan (IND)	MPUNDU Romano (IND)	MULENGA P Bomface (IND)	MWANSA Shadreck (UPND)	MWANSA M Rachael (CF)	Rejected Ballot Papers	
Kaluta Primary School-01 - 107012001701	448	334	8	3	7	7	0	80	0	9	448
Kaluta Primary School-02 - 107012001702	442	335	8	7	6	4	1	65	1	15	442
Kaunda Primary School-01 - 107012001601	345	257	4	16	2	0	1	58	1	6	345
Lufubu Community School-01 - 107012003301	227	89	5	20	11	45	4	50	1	2	227
Lukolongo Primary School-01 - 107012000501	288	100	21	3	0	2	0	157	0	5	288
Lundu Village-01 - 107012005201	447	88	72	0	11	8	13	237	14	6	447
Lwenge Primary School-01 - 107012003101	365	225	14	9	9	32	8	50	9	9	365
Lwenge Primary School-02 - 107012003102	340	215	20	11	10	9	9	65	9	2	340
Mapulanga Primary School-01 - 107012004001	603	154	28	10	15	0	20	344	21	11	603
Matafwali Primary School-01 - 107012003401	388	82	34	4	8	19	5	217	12	7	388
Mato Community School-01 - 107012000601	268	139	4	2	7	0	4	100	0	12	268
Mpasa Primary School-01 - 107012000201	286	100	2	1	1	0	0	169	6	7	286
Mufli Primary School-01 - 107012003001	413	204	111	21	11	0	1	46	9	10	413
Mulala Primary School-01 - 107012000801	299	79	14	4	8	1	2	180	0	11	299
Mulalashi Primary School-01 - 107012003901	427	75	35	4	10	9	9	273	5	7	427
Mumba Primary School-01 - 107012002801	536	69	11	21	5	37	1	386	5	1	536
Mupeseni Catholic Church-01 - 107012005801	339	47	146	6	0	1	91	36	1	11	339
Museba Primary School-01 - 107012000101	283	90	15	1	10	0	1	149	4	13	283
Musebo Busaka Primary School-01 - 107012004201	465	100	9	1	18	1	2	320	7	7	465
Mushishinga Primary School-01 - 107012001401	443	104	6	6	8	1	0	291	1	26	443
Musopelo Primary School-01 - 107012005101	291	21	124	2	5	4	7	111	11	6	291
Mutondo Primary School-01 - 107012004601	648	85	70	4	13	59	4	366	26	21	648

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Polling Station	Total Ballot Papers found in Box	1 BWALYA C Lazarous (NRPUP)	2 BWALYA F Benson (IND)	3 LUNKOTO B Paul (SP)	4 MPUNDU Reagan (IND)	5 MPUNDU Romano (IND)	6 MULENGA P Bornface (IND)	7 MWANSA Shasreck (UPND)	8 MWANSA M Rachael (CF)	9 Rejected Ballot Papers	Total
Mwampanda Community School-01 - 107012001501	387	243	7	20	2	0	1	110	0	4	387
MwandoPrimary School-01 - 107012005701	295	48	177	3	1	0	5	42	5	14	295
MwandoPrimary School-02 - 107012005702	304	43	221	4	1	1	0	22	5	7	304
Nsapaila Primary School-01 - 107012001101	321	205	3	1	12	2	2	90	0	6	321
Nshindaila Primary School-01 - 107012002501	277	43	5	44	5	3	0	159	7	11	277
Nsombo Primary School-01 - 107012005501	383	47	193	2	12	10	28	78	0	13	383
Nsombo Primary School-02 - 107012005502	395	66	210	4	6	9	30	64	1	5	395
Sakeni Primary School-01 - 107012002701	385	231	8	22	10	26	0	72	8	8	385
Sande Village-01 - 107012002901	460	244	16	13	15	41	1	111	13	6	460
Sekela Community School-01 - 107012002401	249	86	5	13	6	12	2	54	63	8	249
Shilenda Community School-01 - 107012005401	233	48	100	3	1	11	6	39	1	24	233
Witwshika Community School-01 - 107012001801	300	130	5	1	5	0	0	155	0	4	300
Total Votes	23,526	6,890	2,910	638	431	1,014	548	9,533	936	626	23,526

KAFUNDA OSCAR

Name of Returning Officer

Signature of Returning Officer

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
KATWIA KENNETH	UPND				
Joshua Mumba	Observer				
Philip Sinkamba	Media				

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