2026/HP/EP/038

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

IN THE MATTER OF: ARTICLES 45(2)(a)-(e) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016 AS AMENDED BY ACT NO. 13 OF 2025

AND
IN THE MATTER OF: THE PARLIAMENTARY ELECTIONS HELD ON 13TH AUGUST, 2026 FOR ROMA PARLIAMENTARY CONSTITUENCY

AND
IN THE MATTER OF: CONTRAVENTION OF SECTIONS 29,37,50,65,68(d),71,72,73 AND 81 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026

AND
IN THE MATTER OF: SECTION 97(1),2(b) AND 4 AS READ TOGETHER WITH SECTIONS 83(2), 98(a)(b) AND 99(a) OF THE ELECTOROL PROCESS ACT NO. 35 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026

AND
IN THE MATTER OF: SECTION 4(1) AND 2(a), (b) AND (c) OF THE ELECTORAL COMMISSION ACT NO. 25 OF 2016

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

AND
IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO. 52 OF 2011

BETWEEN:

CHILANDO CHITANGALA	PETITIONER
AND	
ROSS KASIKILI	1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA	2ND RESPONDENT
ATTORNEY GENERAL	3RD RESPONDENT

HIGH COURT OF ZAMBIA
07 SEP 2026
PRINCIPAL REGISTRY 4
P.O. BOX 50067, LUSAKA

2ND RESPONDENT'S ANSWER

The 2nd Respondent's Answer to the Petition herein shows that:

1. Save where expressly admitted herein, the 2nd Respondent denies each and every allegation of fact and law contained in the Petition, as if the same were set out herein and specifically traversed.
2. The 2nd Respondent admits the descriptive paragraphs (1-5) of the Petition only in so far as they identify the parties to these proceedings, and admits paragraph 3 and 6 of the Petition to the extent that it correctly states that the 1st Respondent was declared as

the duly elected Member of Parliament for Roma Parliamentary Constituency having obtained 17,201 votes.

3. The 2nd Respondent denies the contents of paragraph 7 of the Petition and shall put the Petitioner to strict proof thereof.
4. The 2nd Respondent admits paragraphs 8-10 of the Petition.
5. The 2nd Respondent denies paragraph 11 of the Petition and shall put the Petitioner to strict proof thereof.
6. The 2nd Respondent denies the contents of paragraph 12 and shall put the Petitioner to strict proof thereof. The 2nd Respondent shall aver that the polling satiation did not officially close at approximately 18:00 hours.
7. The 2nd Respondent denies paragraphs 13-16 of the Petition and shall put the Petitioner to strict proof thereof. The 2nd Respondent will aver that only voters who were still on queue were allowed to vote even past 18:00 hours and there were no objections received.
8. Paragraphs 17-19 of the Petition are denied and the Petitioner shall be put to strict proof thereof. The 2nd Respondent shall aver that only voters who were legally allowed to vote were allowed to vote and all verifications were done before any vote was cast by any voter allowed to vote.
9. The 2nd Respondent denies the contents of paragraph 20-23 of the Petition and shall put the Petitioner to strict proof thereof. The 2nd Respondent repeats the averment in paragraphs 7 and 8 above. Further, there was no simultaneous counting and voting done at any of the 12 polling stations at Unza
10. That each polling station at Unza was mandated to count separately and then send to the totaling center at Northmead Secondary School.
11. The contents of paragraph 24-29 of the Petition are within the peculiar knowledge of the Petitioner and shall be put to strict proof of the same.
12. The contents of paragraphs 30 and 31 are within the peculiar knowledge of the Petitioner and shall be put to strict proof thereof
13. The 2nd Respondent denies the contents of paragraph 32 of the Petition to the extent that there were succussive periods of voting.
14. The 2nd Respondent admits paragraph 33 of the Petition.
15. The contents of paragraph 34 of the Petition are within the peculiar knowledge of the Petitioner and shall be put to strict proof thereof.

16. The 2nd Respondent denies the contents of paragraphs 35 and 36 of the Petition as the same are within the peculiar knowledge of the Petitioner and shall put the Petitioner to strict proof of the same.
17. The 2nd Respondent denies the contents of paragraph 30 of the Petition and shall put the Petitioner to strict proof of the same. The 2nd Respondent shall aver that the Roma Parliamentary elections were conducted in a free and fair manner and the duly elected candidate was declared the winner.
18. The 2nd Respondent denies the contents of paragraph 37 of the Petition and shall put the Petitioner to strict proof thereof. Further, the 2nd Respondent avers that the petitioner is not entitled to the reliefs sought and the same must be dismissed with costs.

Dated this _____ day of _____ 2026

_____

2ND RESPONDENT

Per: Messrs. Nsapato & Co. Advocates
Sub C of Lot 1835/M
3rd Street, Ibex Hill
P.O. Box
Lusaka
Email: *info@nsapato.com*
Advocates for the 2nd Respondent

To: The Petitioner & Her Advocates
No. 5873, Kasiya Crescent,
Off Lusemfwa Road
Kalundu
Lusaka

To: The 1st Respondent
Lusaka

To: The 2nd Respondent
Lusaka

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

2026/HP/EP/038

IN THE MATTER OF: ARTICLES 45(2)(a)-(e) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016 AS AMENDED BY ACT NO. 13 OF 2025

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTIONS HELD ON 13TH AUGUST, 2026 FOR ROMA PARLIAMENTARY CONSTITUENCY

AND

IN THE MATTER OF: CONTRAVENTION OF SECTIONS 29,37,50,65,68(d),71,72,73 AND 81 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026

AND

IN THE MATTER OF: SECTION 97(1),2(b) AND 4 AS READ TOGETHER WITH SECTIONS 83(2), 98(a)(b) AND 99(a) OF THE ELECTOROL PROCESS ACT NO. 35 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026

AND

IN THE MATTER OF: SECTION 4(1) AND 2(a), (b) AND (c) OF THE ELECTORAL COMMISSION ACT NO. 25 OF 2016

AND

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

AND

IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO. 52 OF 2011

BETWEEN:

CHILANDO CHITANGALA — PETITIONER

AND

ROSS KASIKILI — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

ATTORNEY GENERAL — 3RD RESPONDENT

HIGH COURT OF ZAMBIA
07 SEP 2026
PRINCIPAL REGISTRY 4
P.O. BOX 50067, LUSAKA

2ND RESPONDENT'S SKELETON ARGUMENTS

MAY IT PLEASE THIS HONOURABLE COURT, we tender hereunder the 2nd Respondent's Skeleton Arguments.

My LORD/ LADY This legal challenge arises from the General Election for the ROMA PARLIAMENTARY CONSTITUENCYheld on 13th August 2026.

The Petitioner, CHILANDO CHITANGALA has petitioned this Honourable Court seeking to invalidate and nullify the declared election

The 2nd Respondent maintains that the election in Roma Parliamentary Constituencywas conducted in substantial compliance with the principles of a democratic, free, fair, and transparent electoral system as mandated by ***Article 45 of the Constitution of Zambia***. The 2nd Respondent contends that the declaration of the results was lawful, accurate, and truly reflective of the democratic will of the electorate in Chongwe East Constituency.

MY LORD/ LADY We humbly submit that the central issues for determination by this Honourable Court are:

i. Whether the Roma Parliamentary Constituency election was conducted by the 2nd Respondent in substantial compliance with the Constitution of Zambia, the ***Electoral Process Act No. 35 of 2016***, and the Electoral Code of Conduct.
ii. Whether the Petitioner has discharged the legal burden of proof to establish the alleged non-compliance, irregularities, or malpractices

Presumption of Electoral Validity and Substantial Compliance

There is a strong legal presumption that an election conducted by a constitutional body, such as the 2nd Respondent, has been conducted in accordance with the law and is prima facie valid. ***Article 45(1) of the Constitution of Zambia*** outlines the guiding principles of the electoral system, emphasizing that elections must be free, fair, transparent, and administered in an impartial manner. We argue that the 2nd Respondent's officials and agents executed their mandate in Roma Parliamentary Constituencyindependently, transparently, and in strict adherence to these constitutional imperatives.

The electoral processes of voting, counting, and tallying are heavily regulated by statutory guidelines. Specifically, the 2nd Respondent's officers acted in accordance with ***Sections 61, 84, 86, 87,*** and ***89 of the Electoral Process Act No. 35 of 2016***. These provisions govern the meticulous handling of ballots, polling station operations, and the subsequent declaration of results. The Petitioner's blanket assertion of non-compliance fails to demonstrate any systemic deviation from these statutory boundaries.

The Burden and Standard of Proof on the Petitioner

It is a foundational principle of election petition jurisprudence that he who alleges must prove. The legal burden of proving allegations of electoral non-compliance, irregularities, or malpractices rests squarely and continuously on the Petitioner .

To displace the presumption of electoral validity and set aside the democratic choice of the Chongwe East electorate, the Petitioner must adduce cogent, precise, and highly convincing evidence. General, speculative, or unsubstantiated assertions do not suffice in law to invalidate an election. The petitioner has failed to demonstrate in detail the manner in which ECZ fell outside the ambit of free and fair elections.

As set out under Zambian law and reflected in similar petitions within this electoral cycle, a petition that discloses no constitutional, statutory, or factual basis upon which an election can be annulled must fail. The Petitioner's reliance on general allegations of non-compliance, without establishing specific, material facts that directly implicate the 2nd Respondent in illegal conduct or fatal irregularities, is insufficient in law to void the election.

Materiality of Non-Compliance

Under Zambian electoral laws, an election will not be declared void by reason of non-compliance with the provisions of the Electoral Process Act if it appears to the Court that the election was conducted in accordance with the principles laid down in the Constitution, and that such non-compliance did not materially affect the final result.

We submit that the Roma election was conducted in a manner that gave the electorate a free and fair opportunity to elect their representative. Even if the Petitioner were to demonstrate minor administrative or procedural discrepancies (which is denied), such lapses are legally insufficient to void an entire election unless they are proven to have directly altered or corrupted the final declared outcome.

CONCLUSION AND PRAYER

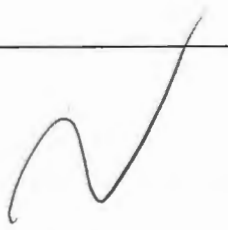
In light of the foregoing, the 2nd Respondent submits that the election of Constituency was conducted lawfully, transparently, and in accordance with the principles of the Constitution and the Electoral Process Act.

The Petitioner has failed to place before this Honourable Court any factual, statutory, or constitutional basis capable of supporting the reliefs sought or justifying the nullification of the election.

WE THEREFORE PRAY that this Honourable Court dismisses the Petition with costs to the 2nd Respondent.

We Humbly Submit.

Dated the_____day of _____2026.



Per: Messrs. Nsapato & Co. Advocates
Sub C of Lot 1835/M
3rd Street, Ibex Hill
P.O. Box
Lusaka
Email: *info@nsapato.com*
Advocates for the 2nd Respondent