IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/---023**

AT PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Civil Jurisdiction)

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

IN THE MATTER OF: **ARTICLE 1(2),(3), 73 (1)(a) AND 45(2)(a)(b) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **SECTIONS 97 (2) OF THE ELECTORAL PROCESS ACT, NO. 35 OF 2016.**

IN THE MATTER OF: **SECTIONS 70, 81, 87, 94, 96, 97(1),2(b) 98(c), 99(a)(b), 100 (2) (a), OF THE ELECTORAL PROCESS ACT NO. 36 OF 2016.**

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

IN THE MATTER OF: **LUMEZI SOUTH CONSTITUENCY ELECTIONS HELD ON 13TH AUGUST, 2026.**

BETWEEN:

LUFEYO NGOMA **PETITIONER**

AND

OLIVER MWALE **1ST RESPONDENT**

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

ELECTION PETITON

The HUMBLE PETITION of **LUFEYO NGOMA**, of House No. 5, Kasote Compound, in the Lumezi District of the Eastern Province of the Republic of Zambia **SHOWETH:**

YOUR PETITIONER is a Zambian citizen, who is a member of a political party, the United Party for National Development (UPND) and was sponsored by the said party as a candidate in respect of the Parliamentary election for Lumezi South Constituency which took place on 13th August, 2026.

1. THAT there were 7 parliamentary candidates for Lumezi South Constituency including the Petitioner who successfully filed their nomination and participated in the elections as follows:

a.	**MWALE OLIVER** –	NRPUP
b.	**NGOMA LUFEYO** –	UPND
c.	**BANDA GOODSON** –	RP
d.	**MWANZAG.PILILA** –	SP
e.	**KAMANGA K. FRANCIS** –	IND
f.	**CHITSULO ZELIPA** –	CF
g.	**CHIBESA PAUL** –	UPPZ

2. **YOUR PETITIONER** avers that the said election was conducted by Electoral Commission of Zambia, an Electoral Body Established pursuant to Article 229 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 and the Electoral Process Act No. 35 of 2016, the 2nd Respondent herein.

3. The Electoral Commission of Zambia, through its Returning Officer **George Mulunga** declared the results on 15TH August, 2026 of the said Lumezi South CONSTITUENCY as herein below:

a.	**MWALE OLIVER (NRPUP)** –	6,324 votes
b.	**NGOMA LUFEYO (UPND)** –	4,946 votes
c.	**BANDA GOODSON (RP)** –	1,672 votes
d.	**MWANZA G. PILILA (SP)** –	1,448 votes
e.	**KAMANGA K. FRANCIS (IND)** –	1,422 votes
f.	**CHITSULO ZELIPA (CF)** –	246 votes
g.	**CHIBESA PAUL (UPPZ)** –	169 votes

4. **THE PETITIONER** will contend that the declaration of the 1st Respondent as duly elected Member of Parliament for Lumezi Constituency was invalid as the declared results do not accurately reflect the votes cast and counted in the Parliamentary Election for Lumezi South Constituency, owing to serious irregularities in the counting and recording of votes at various polling stations thus in non-compliance with provisions of the Constitution and the Electoral Process Act (EPA) No. 35 of 2016 and the procedures under the said act as particularised herein below:

FAILURE TO COMPLY WITH THE CONSTITUION AND THE EPA.

i. The Petitioner in particular, avers him and his polling agents were prevented from participating in and/or observing the counting of ballot papers at a number of polling

stations within Lumezi South Constituency by NRPUP cadres. The said NRPUP cadres were sponsored and acted with the consent and Knowledge of the 1st Respondent.

ii. He further avers that in **Chibande Ward**, which comprises five polling stations, irregularities occurred in the counting and recording of votes, particularly at **Mkasanga Polling Station**, where he avers that the results were altered in favour of the 1st Respondent.

iii. At various polling stations, the Petitioner avers that his, polling agents were required to sign the GEN 20a forms before the counting of ballot papers had been completed and, in some instances, before the counting had commenced. He further contends that his polling agents were thereafter removed from the polling stations and were thereby prevented from participating in and/or observing the counting and verification of ballot papers and results.

iv. The circumstances in paragraph iii above occurred through acts of intimidation, force and/or deception, and materially affected the ability of my agents to verify the accuracy of the results recorded on the relevant GEN 20a forms. Similar incident occurred at **Chasela** and **Katondolo Community School** polling stations. This was done by the 2nd Respondent's agents while acting together with the 1st Respondent and his polling agents.

v. In **Lukusuzi Ward**, there was no presence of police officers to maintain order, resulting in village scouts being used to provide security at the polling stations. The said village scouts were subsequently chased away by persons whom I believe to have been supporters or cadres of the NRPUP.

vi. At **Lukusuzi Polling Station**, the Presiding Officer, **Maxiwell Mwanza**, together with the Petitioner's polling agents, were chased away at the time when the ballots were being counted. They were chased violently by the 1st Respondent directly and many other instances through his polling agents.

vii. A similar incident occurred at **Yakobe Polling Station**, where the presiding officer was harassed, attacked and chased from the Polling station by cadres for the 1st Respondent. The cadres even grabbed Keys for the polling station from him which resulted in counting of ballots being deferred to the following day at 10:00hrs.

viii. At **Diwa Polling Station** in Diwa Ward, persons whom I believe to have been NRPUP cadres entered the polling station during the counting of votes and forcibly removed my polling agents, thereby preventing them from observing and participating in the counting process.

ix. Some of my polling agents who resisted being removed from the polling station were assaulted and medical reports were subsequently obtained in respect of the injuries sustained.

x. That the incidents described above were not isolated occurrences but, to the best of my knowledge and belief, similar incidents occurred at other polling stations within Lumezi South Constituency.

xi. The 2nd Respondent failed to ensure that the counting and verification results for Lumezi South Constituency at Parliamentary level were conducted in line with the law. This failure to comply with law by the 2nd Respondent's agents deeply prejudiced the Petitioner.

xii. The effect of the aforesaid incidents was to prevent me and my polling agents from properly participating in and/or observing the counting, verification and recording of votes cast at various polling stations.

xiii. The Petitioner contends that that the circumstances surrounding the counting and recording of votes raise serious and legitimate concerns as to the accuracy and integrity of the declared results.

xiv. The Petitioner avers further that there was wide spread of mathematical disparities and non-compliance with the law during the verification, tallying and declaration phases in all the 5 wards of Lumezi South Constituency. He states further that the same observed mathematical disparities and non-compliance with the law were more pronounced in the following Chikomeni polling station stream 1 and 2 in Kamimba ward, Kazonde polling station in Kachama ward, Champoyo and Chauluma polling stations in Diwa ward.

xv. The Petitioner further adds that the arithmetic margin between himself and the 1st Respondent is remarkably slim.

xvi. The circumstances, the Petitioner respectfully contend that a **recount of the ballot papers cast in the Parliamentary Election for Lumezi South Constituency** is necessary to establish the true and accurate number of votes cast for each candidate

Therefore, the Petitioner prays that the Court may grant him the following reliefs.

i. An Order directed to the 2nd Respondent to conduct an audit and ***rrecount of the votes cast in the Parliamentary Election for Lumezi South Constituency.***

ii. Or in the Alternative, that it may be determined and declared that the declaration of the 1st Respondent as winner of the Parliamentary seat for Lumezi constituency by the 1st Respondent is null and void;

iii. An Order that the Respondent bears the costs of this petition.

iv. Any other reliefs the court may deem fit.

Dated at Lusaka this.....day of.....2026.

SIGNED BY .....

LUFEYO NGOMA

The petition was drawn by Counsel of_____

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LUSAKA
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TO: THE 2ND RESPONDENT

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