IN THE HIGH COURT OF ZAMBIA 2026/HP/EP/ 006

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Constitutional Jurisdiction)



IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

AND

IN THE MATTER OF: SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT, NO. 3 OF 2016

AND

IN THE MATTER OF: SECTIONS 98 (C). 99 (A). 100 (2) (A). 106 (1)(B). 108 (4) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF : THE PARLIAMENTARY ELECTION FOR MILANZI CONSTITUENCY OF THE DISTRICT OF KATETE HELD ON THE 13th DAY OF AUGUST, 2026.

BETWEEN:

TYLAD LUNGU PETITIONER

AND

LUMANKIO ZULU 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA 2ND RESPONDENT

PARLIAMENTRAY ELECTION PETITION

Pursuant to Article 73(1) of the Constitution of Zambia (Amendment) Act no. 2 of 2016

THE HUMBLE PETITION of TYLAD LUNGU of Plot number 24433, Off Kasama Road, Libala South in the Lusaka District of the Lusaka Province of the Republic of the Republic of Zambia showeth that:

1. The Petitioner is a member of a Political Party, the United Party for National Development (UPND) and was sponsored by the said Party as a Parliamentary candidate and had the right to be elected as Member of Parliament for Milanzi Constituency in the Katete District.

2. The 1st Respondent is a sitting member of parliament for the Milanzi Constituency in the Eastern Province of the Republic of Zambia who was contesting as an Independent.

3. The 2nd Respondent is an independent and autonomous statutory body established in 1996 and has continued exist pursuant to Article. 229 of the Constitution of Zambia (Amendment) Act no. 2 of 2016 and is tasked to administer elections in accordance with the Electoral Process Act No. 35 of 2016 and all enabling laws.

4. On the 13th day of August, 2026, the nation of Zambia went to the Polls administered by the 2nd Respondent. The candidates who contested the said election were as follows:

   a). Rosmary Banda - Independent

   b). Melisiana Banda - NRPUP

   c). Lumankio Zulu - Independent

   d). Charles Zulu - Independent

   e). Tylad Lungu - UPND

   f). Andrew Mwale - SP

   g). Whiteson Banda - CF

   h). Peter Fusani - RP

5. On the conclusion of the said Polls, the 1st Respondent emerged winner and was declared as duly elected member of Parliament by the returning officer for the Milanzi Constituency on the 15th day of August 2026.

6. The results declared by the Returning Officer were as follows:

a). Lumankio Zulu	5,004
b). Melesiana Phiri	4,749
c). Tylad Lungu	4, 424
d). Charles Banda	2, 842
e). Rosmary Banda	1, 934
f). Whiteson Banda	574
g). Peter Fusani	402
h). Andrew Mwale	132

7. Your Petitioner is aggrieved by the election and victory of the 1st Respondent and challenges the validity thereof.

8. The Petitioner now seeks recourse against the Respondents and prays that the said parliamentary elections mentioned in paragraph 4 herein be declared null and void on the following grounds:

Grounds upon which redress is sought

1. That the Parliamentary Elections for Milanzi Constituency were marred with wide spread illegality practice and other misconduct in connection with the Parliamentary Elections for the Milanzi Constituency by the 1st Respondent and/ or with his knowledge.
2. That the 1st Respondent engaged directly/or through his agent into violence, intimidation of the electorates creating a state of fear among the population.
3. That there was wide spread non- compliance with the provisions of the Electoral Process Act no. 35 of 2016 by the second Respondent and such non-compliance has affected the outcome of the Elections:

Facts relating to misconduct

1. On the 12th day of August 2026, the 1st Respondent in the company of his supported wielding sticks and stones, riding in three different vehicles namely a White Toyota

Auris, Toyota Spacio Registration No. ACP 6483 and a Toyota van drove around the rally held at Gina Village in Kasambandola Ward being addressed by the Petitioner.

2. With intent to intimidating the voters into not voting for the Petitioner, the 1st Respondent and his supporters drove around the rally several times while hooting, shouting and waving sticks at the people attending the rally.

3. The People being addressed scampered in all directions in fear of the 1st Respondent and his supporters. This resulted into the Petitioner failing to address and deliver his message to the voters.

4. On 12th August 2026, the 1st Respondent accompanied by his Supporters in three motor vehicles in 1 above approached the house of the Campaign manager for the Petitioner, drove around while waving sticks.

5. The 1st Respondent engaged in corrupt practice in collision with the 2nd Respondent's staff in that the results announced at several polling station were not obtained by candidates therein.

6. At Kalimeta, Malaiti, Chafela RCZ Church Polling Stations the results on GEN 20b form were not witnessed by any participating Political parties, agents or monitors to verify there truthiness.

7. At Bombwe Polling Station, the Presiding Officer admitted the declared results had errors in that had asked the returning officer to correct them of which he declined to do so.

8. The overall results announced by the Presiding officers includes the purported results not ascertained by parties.

Facts relating to non-compliance with the Electoral Process Act No. 35 of 2016

1. The 1st Respondent did not adhere to Section 86 of the Electoral Process Act no. 35 of 2016 as he intimidated the electorates of Kasambandola Ward with threats of violence who make the substantial number of voters in the past elections.

2. The inexcusable laxity of the 1st Respondent in adhering to laid down procedures of the Electoral Process Act has caused the petitioner and general electorates to suffer unfathomable prejudice that is beyond any exaggeration whatsoever.

Nature of the Relief Sought

YOUR PETITIONER therefore humbly PRAYS for:

1. An order that the Parliamentary Elections for the Milanzi Constituency held on the 13th day of August, 2026 are null and void:
2. An order that the 2nd Respondent holds elections within 90 days from the day of the said elections:
3. An Order for verification and recount of the votes cast:
4. Such other Orders as may seem just in the premises by this Honourable Court:
5. Costs and interest thereon

AND YOUR PETITIONER WILL EVER PRAY.

Dated the ..... day of ..... 2026.

.....

PETITIONER

This Petition was drawn by: _____

Messrs Muleza Mwiimbu and Co
Plot 3797 Ngwerema Close
Off Kwacha Road, Olympia Park
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LUSAKA-ZAMBIA
Advocates for the Petitioner

To: The 1st Respondent
Lumankio Zulu
Katete
Advocates for the 1st Respondent

To: Electoral Commission of Zambia
Elections House
Haile Selasie Avenue
Elections@elections.org.zm
Zambia

IN THE HIGH COURT OF ZAMBIA 2026/HP/EP/

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BETWEEN:

TYLAD LUNGU PETITIONER

AND

LUMANKIO ZULU 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA 2ND RESPONDENT

PARLIAMENTRAY ELECTION PETITION

Pursuant to Article 73(1) of the Constitution of Zambia (Amendment) Act no. 2 of 2016

Messrs Muleza Mwiimbu & Co. Plot 3796 Ngwerema Close, Off Kwacha Road, Olympia Park, Lusaka. Email: mulezamwiimbu@gmail.com. Advocates for the Petitioner

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/006**
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 2016

IN THE MATTER OF: SECTIONS 97(2), 98 (C), 99(A),100 (2)(A), 106(1) (B), 108 (4) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR MILANZI CONSTITUENCY, KATETE DISTRICT, HELD ON 13 AUGUST 2026

BETWEEN:

TYLAD LUNGU **PETITIONER**

AND

LUMANKIO ZULU **1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

ANSWER TO PARLIAMENTARY ELECTION PETITION
Pursuant to 10(1) of the High Court (Election Petition) Rules, 2026

The 1st Respondent responds as follows to each and every allegation in the Petition.

1. Save to the extent expressly admitted below, the 1st Respondent denies each allegation in the Petition and puts the Petitioner to strict proof.
2. Paragraph 1 is admitted only to the extent that the Petitioner contested the Milanzi parliamentary election as the UPND candidate.
3. Paragraph 2 is admitted.
4. Paragraph 3 is admitted only as to the constitutional and statutory status of the 2nd Respondent. The remaining legal characterisation is not admitted insofar as it is inaccurate.

5. Paragraph 4 is admitted only as to the date of the poll and that eight candidates contested the election. The Petitioner's inconsistent description of Charles Zulu in paragraph 4 and Charles Banda in paragraph 6 is noted.

6. Paragraph 5 is admitted.

7. Paragraph 6 is not admitted as to the figure of 5,004 votes attributed to the 1st Respondent. The Petitioner's own exhibited GEN 20C declaration and GEN 19 record, record 5,006 votes for the 1st Respondent and 4,424 votes for the Petitioner, a margin of 582 votes.

8. Paragraph 7 is admitted only to the extent that the Petitioner is dissatisfied. It is denied that the election or victory of the 1st Respondent is invalid.

9. Paragraph 8 is denied. The Petitioner is not entitled to any of the relief sought.

RESPONSE TO THE GROUNDS UPON WHICH RELIEF IS SOUGHT

10. Ground 1 is denied. The allegation is vague, unparticularised and does not identify any corrupt practice, illegal practice or misconduct attributable to the 1st Respondent together with the statutory effect required by section 97(2)(a) of the Electoral Process Act.

11. Ground 2 is denied. The 1st Respondent did not engage, personally or through an appointed election or polling agent, in the pleaded violence or intimidation or at all.

12. Ground 3 is denied. The Petition fails to identify the provision allegedly breached by the 2nd Respondent, the correct result at any impugned polling station, the number or destination of any disputed votes, or any arithmetic showing that a proven non-compliance affected the constituency result.

RESPONSE TO THE ALLEGED FACTS RELATING TO MISCONDUCT

13. Paragraph 1 is denied insofar as it alleges disruption, intimidation, sticks or stones. The 1st Respondent admits that his campaign team was entitled to campaign in

Kasambandola Ward during 10 to 12 August 2026 under the Electoral Commission campaign calendar and used a public road there. The photograph marked TL1 shows persons and vehicles on a public road; it does not show entry into or disruption of the Petitioner's rally, sticks, stones or violence.

14. Paragraph 2 is denied. The 1st Respondent denies hooting, shouting, waving sticks at attendees, or intending to intimidate any voter from voting for the Petitioner.

15. Paragraph 3 is denied. The alleged flight of people and the alleged failure of the Petitioner to campaign are not admitted and, in any event, do not plead or establish the effect required by section 97(2)(a).

16. Paragraph 4 is denied. The 1st Respondent denies approaching or circling the home of the Petitioner's campaign manager with supporters waving sticks or threatening that person.

17. Paragraph 5 is denied. No facts capable of constituting a corrupt practice or collusion are pleaded. The 1st Respondent denies colluding with any member of the 2nd Respondent's staff.

18. Paragraph 6 is not admitted. The alleged absence or failure of a party, agent or monitor to witness or countersign a result does not invalidate an electoral proceeding or result by virtue of section 36(2) of the Electoral Process Act and paragraph 5(2) of the Electoral Code of Conduct.

19. Paragraph 7 is not admitted. The Petitioner must prove the alleged Bombwe error, the correct figures, the votes affected and the effect, if any, on the constituency result.

20. Paragraph 8 is denied. It pleads no ascertainable alternative result and no material non-compliance.

Response to the alleged non-compliance with the Electoral Process Act, No. 35 of 2016

21. Paragraph 1 is denied. Section 86 concerns disorderly conduct at a lawful public meeting for the purpose of preventing its business. The pleaded facts are denied and do not establish either the prohibited purpose or the statutory majority effect required for nullification.

22. Paragraph 2 is denied. It is vague, attributes no identified procedural duty to the 1st Respondent, and pleads no facts capable of establishing prejudice or an effect on the result.

RELIEF

23. The Petitioner has not pleaded facts capable of satisfying section 97(2)(a) or section 97(2)(b) of the Electoral Process Act and is not entitled to a declaration that the election is void.

24. The prayers directing a fresh election within ninety days from polling day, for a recount or verification as final relief, and for interest are not reliefs specified by section 99 of the Electoral Process Act and are opposed.

25. The 1st Respondent prays that the Petition be dismissed with costs and that the Court declare that the 1st Respondent was duly elected Member of Parliament for Milanzi Constituency.

1ST RESPONDENT

DRAWN AND FILED BY: COF Chambers, P.O. Box 50709, No. 1, 6941 Suez Road, Lusaka, Zambia, email address: info@cof-law.com, Advocates for the 1st Respondent

IN THE HIGH COURT OF ZAMBIA
AT THE PRINCIPAL REGISTRY
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(CONSTITUTIONAL JURISDICTION)

2026/HP/EP/006

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

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IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR MILANZI CONSTITUENCY OF THE DISTRICT OF KATETE HELD ON 13 AUGUST 2026

BETWEEN:

TYLAD LUNGU — PETITIONER

AND

LUMANKIO ZULU — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

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

ANSWER OF THE 2ND RESPONDENT TO THE ELECTION PETITION

The 2nd Respondent, the Electoral Commission of Zambia, through its Advocates, hereby answers the Petition filed herein as follows:

1. Save where expressly admitted herein, the 2nd Respondent denies each and every allegation, assertion and averment contained in the Petition and the Affidavit Verifying Facts in support thereof, as though the same were set out seriatim and specifically traversed.
2. The 2nd Respondent states that it is a constitutional body mandated to conduct elections in accordance with the Constitution and the Electoral Process Act.
3. The 2nd Respondent accordingly states that it conducted and administered the parliamentary election for Milanzi Constituency in accordance with the Constitution, the Electoral Process Act, the applicable regulations and procedures governing the conduct of elections.

4. The 2nd Respondent denies that the election in Milanzi Constituency was conducted in a manner that renders the result invalid.
5. The 2nd Respondent shall contend that the Petitioner's allegations are either unsupported by sufficient particulars, unsupported by credible evidence, or do not satisfy the statutory requirements for nullification of an election.
6. The 2nd Respondent notes that a substantial part of the Petitioner's case concerns alleged conduct of the 1st Respondent, including: a. vote buying; b. carrying/displaying weapons; c. disruption of political meetings; d. threats of violence; and e. intimidation of the Petitioner's campaign manager.
7. The 2nd Respondent shall contend that those allegations should not automatically be attributed to the Electoral Commission of Zambia- the 2nd Respondent herein.
8. There is no allegation, supported by evidence, that the 2nd Respondent authorized, directed or participated in the alleged acts of the 1st Respondent.
9. The 2nd Respondent therefore denies liability for any misconduct independently committed by the 1st Respondent or his supporters.
10. The 2nd Respondent specifically denies that there was non-compliance with the Electoral Process Act particularly section 97(2)(b) and any other relevant electoral law.
11. The 2nd Respondent reiterates that it discharged its mandate in Milanzi Constituency in accordance with the law.

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

RESPONDENT OR ITS ADVOCATE

Drawn by : .....

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LUSAKA

ADVOCATES FOR THE 2nd RESPONDENT

TO: THE PETITIONER AND HIS ADVOCATES
Muleza Mwimbu and Company,
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LUSAKA

IN THE HIGH COURT OF ZAMBIA

AT THE PRINCIPAL REGISTRY

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AND

LUMANKIO ZULU — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

SKELETON ARGUMENTS

IF IT MAY PLEASE THIS HONURABLE COURT these are Skeleton Argument in Support of this Petition by the Petitioner.

1.0 My Lord/Lady, **Article 73 (1) of the Constitution of Zambia** provides as follows:

"(1) A person may file an election petition with the High Court to challenge the election of a Member of Parliament."

Your petitioner having been a Candidate for election of Member of Parliament for Milanzi Constituency and being aggrieved by the election results thereon moves this Court pursuant to the above article.

1.1 The Petitioner being dissatisfied with the election results alleging that the election of the 1st Respondent was marred by irregularities moves this Court to declare the election null and *void. Section 97 (2) of the Electoral Process Act provides as follows:*

"(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."

1.2 My Lord/Lady, Your Petitioner alleges and intend to prove at the hearing that the Respondents' conduct violated the electoral rules which renders the election not credible.

1.3 My Lord/Lady, the law is very clear on the conduct of the election as it is basic requirement that an elected person must have won an election which was free, fair and credible that is democracy. The will of the people to elect a person to represent them is reflected in the result of the election free of intimidation, violence, abuse, and adherence to the laws established.

1.4 My Lord/Lady in the case of **Brelsford James Gondwe v Catherine Namugala** when the Supreme Court said:

"The burden o f establishing the grounds lies on the person making the allegation and in election petitions. it is the petitioner in keeping with the well settled principle of law in civil matters that he who alleges must prove. The grounds must be established to the

required standard in election petitions namely fairly high degree of convincing clarity."

1.5 Further in the case of **Akashambatwa Mbikusita Lewanika and others v Fredrick Jacob Titus Chiluba** wherein the Supreme Court said:

"...that parliamentary election petitions have generally long required to be proved to a standard higher than on a mere balance of probability... the issues raised are required to be established to a fairly high degree of convincing clarity."

1.6 The Petitioner is well aware of the required standard and proof that is required for him to prove the allegation made against the Respondents of which he will discharge at trial.

1.7 The Petitioner allege that the 2nd Respondent failed to conduct the election in accordance with the law. In the case of **Giles Chomba Yamba Yamba v Kapembwa Simbao and others**, we held that:

"...the Constitution expressly gives the function to conduct elections to the Electoral Commission of Zambia ... The ECZ must fulfill this function by ensuring that the requirements of the Electoral Process Act are respected and observed in the electoral

process. Section 97 (2) (b), therefore, concerns non-compliance to the provisions of the Act by the ECZ, the body charged with the conduct of elections under Article 229 (2) (b) of the Constitution, and not the candidates to an election or their agents."

1.8 Your Petitioner bring to aid the case of **Margaret Mwanakatwe v Scott & Another (Appeal 14 of 2016) [2018] ZMCC 257 (31 October 2018) at J73** where it states:

"... any act by supporters of a political party intended to prevent members of another political party from exercising their right to solicit for votes from the general public, offends against the spirit of section 97 (2) (b) of the Act."

1.9 Through out the campaign period the 1st Respondent appeared in the company of his supporters at Rallies held by the Petitioner disrupting his campaigns.

2.0 The Petitioner is mindful of allegations that the Respondents are answerable to. In **Lewanika and Others v Chiluba**, the Supreme Court observed thus:

"We are mindful of the provisions of the Electoral Act that a candidate is only answerable to those things which he has done or which are done by his election agent or with his consent. In this regard, we note that not everyone in one's political party is one's political agent since under regulation 67, an election agent has to be specifically so appointed."

2.1 My Lord/Lady, as the evidence will show the Motor vehicle Toyota Spacio Registration No. AC9 6483 belong to the 1st Respondent and was extensively used

by him as campaign vehicle during the election. Further, Vehicle Toyota Auris white in colour was being driven by the 1st Respondent and made several appearances with his supporters at rallies addressed by your Petitioner.

2.2 The Petitioner will prove that the acts complained of and conduct of the 1st Respondent was wide spread in such that the electorates were afraid of being hammed by the 1st Respondent and his supporters. In the case of **Austin Liato v Sitwala Sitwala** we said: " .. .*it is not sufficient for a petitioner to prove only that a candidate committed an illegal or corrupt practice or engaged in other misconduct in relation to the election without proof that the illegal or corrupt practice or misconduct was widespread and prevented or may have prevented the majority of the voters in the constituency, district or ward from electing a candidate of their choice."*

2.3 My Lord/Lady, Your Petitioner will prove at trial that the conduct of the Respondents were wide spread rendering the results of the election not credible.

2.4 **Regulation 15(1)(a) of the Electoral Code of Conduct** states:

"A person shall not - (a) cause violence or use any language or engage in any conduct which leads or is likely to lead to violence or intimidation during an election campaign or election:"

Also, **section 83(l)(g) of the Act** says:

"A person shall not directly or indirectly, by oneself or through any other person -

(g) unlawfully prevent the holding of any political meeting, march, demonstration or other political event."

2.5 Your Petitioner states that the above conduct prevented him from conducting political meetings to drum up support for his election as Member of Parliament for Milanzi.

2.6 The Petitioner is aware of the holding of the Supreme Court in **Richwell Siamunene v Sialubalo Gift** we said the following:

"Mere proof that the UPND supporters were indeed involved in the said acts does not warrant an inference being drawn that the Respondent had directly or indirectly incited the UPND supporters to act as they did. To so hold would amount to speculation and it is not the duty of this Court to make assumptions based on nothing more than party membership and candidacy in an election."

My Lord/ Lady, your Petitioner will state to the contrary the 1st Respondent was always at the scene of the intimidation, inference and threatening violence to the Petitioners rallies and always driving his motor vehicles.

2.7 The above affirms the position in the case of **Richwell Siamunene v Sialubalo Gift** were that:

"When section 83 is read with section 97, it is clear that the violence or threat of violence must be perpetrated by the candidate or with the candidate's knowledge

and approval or consent or that of his election or polling agent. In order for the candidate to be liable for the illegal practice or misconduct. it must be shown to be that of his official agent: there must be proof to the required standard that he had both knowledge of it and approved or consented to it: or that his election or polling agent had knowledge and consented to or approved of it."

2.9 In the case of **Mumba v Daka** where the Supreme Court stated that:

"The evidence on record. highlighting incidents of misconduct in form of violent acts committed by the Kulima Tower boys is overwhelming. The intimidation and actual violence committed against the appellant and his party. the MMD. is well documented. The boys J19 who were sponsored by the appellant can be said to have caused so much fear among the voters in the constituency."

2.10 In the case of **Phiri v. Mangani**, which followed **Mlewa v Wightman** with approval, was cited to the effect that:

"Under paragraph (a) of the Electoral Act. 1991. it does not matter who the wrongdoer is. The election will be nullified if there is wrongdoing of the type and scale. which satisfies the Court that it has adversely affected or may have affected the election."

3.0 My Lord/Lady, where the electorates are intimidated through use of threats and actual violence duration the election period that election can not be said to be free and fair and bound to be nullified.

In the case of **Masumba v Kamondo**, stated that:

"The requirement in the current law for nullifying an election of a Member of Parliament is that a petitioner must not only prove that the respondent has committed a corrupt or illegal act or other misconduct or that the illegal act or misconduct complained of was committed by the respondent's election agent or polling agent or with the respondent's knowledge, consent or approval, but that he/she must also prove that as a consequence of the corrupt or illegal act or other misconduct committed, the majority of voters in the constituency were or may have been prevented from electing a candidate whom they preferred."

3.1 In the case of **Luo v Mwamba and Another** we went on to hold that:

"Section 97(2) of the (Electoral Process) Act is central to the judicial resolution of electoral disputes...In order to successfully have an election annulled, there is a threshold to surmount. The first requirement is for the petitioner to prove to the satisfaction of the Court, that the person whose election is challenged personally or through his duly appointed election or polling agent, committed a corrupt practice or illegal practice or other misconduct in connection with the election; or that such malpractice was committed with the knowledge and consent or approval of the candidate or his or her election or polling agent... In addition, the petitioner has the further task of adducing cogent evidence that the electoral

malpractice or misconduct was so widespread that it swayed or may have swayed the majority of the electorate from electing the candidate of their choice."

The law is clear where the candidate is seen and participating in the acts contrary to the provisions of the Act.

3.2 In the case of **Bowman Lusambo vs. Benard Kanengo and Others** the Court stated as follows:

"In the case in casu, the evidence has clearly shown that violence in the two wards of Kabushi Constituency was committed by the appellant's supporters in the appellant's presence. The appellant in his own evidence, placed himself at the scenes of the violence. His own campaign manager (RW2) also placed himself at the scenes of the violence. Therefore, the learned trial Judge was on firm ground when he attributed the violence committed in the appellant's presence by the "Nato Forces" to the appellant."

The Petitioner is alive to the fact that the burden lays with him to prove his allegation but where he states facts the Respondent have equally a burden to discharge.

3.3 In the case of **Odinga and Others v Independent Electoral and Boundaries Commission and Others**, where the Supreme Court of Kenya put it thus:

"There is apparently a common thread in the foregoing comparative jurisprudence on burden of proof in election cases. Its essence is that an electoral cause is

established much in the same way as a civil cause: the legal burden rests on the petitioner but depending on the effectiveness with which he or she discharges this, the evidential burden keeps shifting. Ultimately, of course, it falls to the Court to determine whether a firm and unanswered case has been made."

3.4 The learned authors of **Halsbury's Laws of England Vol 122 at paragraph 704 page 248** is apt in which it is stated that:

"The evidential burden or the burden of adducing evidence will rest initially upon the party bearing the legal burden. However, rather than referring toa shifting burden, it may be more accurate to say that it is the need to respond to the other party's case that changes as the trial progresses according to the balance of evidence given by each party at any particular stage."

3.5 In the case of **Bowman Lusambo vs Benard Kanengo and Others** the Court states as follows:

"We have examined the record and find on the totality of the wrongful acts that the appellant has been connected to, that the difference of the 5,824 votes cannot be said to have been so large that the wrongful acts had no impact on the electorate. We therefore do not agree with the contention by Counsel for the appellant that the margin of votes of 5,824 polled between the appellant and the 1st respondent was so wide as not to have affected the election result."

The Court went on and stated:

"Clearly on the totality of the wrongful acts that have been connected to the appellant and having found that the wrongful acts were widespread, the inescapable conclusion is that the majority of the voters in Kabushi Constituency were or may have been prevented from electing their preferred candidate as found by the learned trial Judge."

3.6 My Lord/Lady, the difference in the numbers of votes can be attributed to the wrongful acts by the 1st and 2nd Respondent consequently had have signifant impact on the election results for Milanzi Constituency.

3.7 My Lord/Lady, on the totality of the alleged breaches of the Electoral Process Act by the Respondents, we implore that this Court grants the reliefs being claimed by the Petitioner against the Respondents.

3.8 **We forever Pray**

Dated the .....day of 2026

Per: Messrs Muleza Mwiimbu and Co
Plot 3797 Ngwerema Close
Off Kwacha Road, Olympia Park
Email: mulezamwiimbu@gmail.com
LUSAKA-ZAMBIA
Advocates for the Petitioner

IN THE HIGH COURT OF ZAMBIA 2026/ HP/EP/

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Constitutional Jurisdiction)

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

AND

IN THE MATTER OF: SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT. NO. 3 OF 2016

AND

IN THE MATTER OF: SECTIONS 98 (C). 99 (A). 100 (2) (A). 106 (1)(B). 108 (4) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF : THE PARLIAMENTARY ELECTION FOR MILANZI CONSTITUENCY OF THE DISTRICT OF KATETE HELD ON THE 13th DAY OF AUGUST. 2026.

BETWEEN:

TYLAD LUNGU PETITIONER

AND

LUMANKIO ZULU 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA 2ND RESPONDENT

SKELETON ARGUMENTS

Meesrs Muleza Mwiimbu & Co. Plot 3796 Ngwerema Close. Off Kwacha Road. Olympia Park. Lusaka. Email: mulezamwiimbu@gmail.com. Advocates for the Petitioner

IN THE HIGH COURT OF ZAMBIA

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Constitutional Jurisdiction)

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
2 8 AUG 2026
PRINCIPAL REGISTRY 1
P.O. BOX 50067, LUSAKA

2026/ HP/EP/ 006

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

AND

IN THE MATTER OF: SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT, NO. 3 OF 2016

AND

IN THE MATTER OF: SECTIONS 98 (C), 99 (A), 100 (2) (A), 106 (1)(B), 108 (4) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF : THE PARLIAMENTARY ELECTION FOR KAPUTA CONSTITUENCY OF THE DISTRICT OF KAPUTA HELD ON THE 13th DAY OF AUGUST, 2026.

BETWEEN:

TYLAD LUNGU — PETITIONER

AND

LUMANKIO ZULU — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

SKELETON ARGUMENTS

IF IT MAY PLEASE THIS HONURABLE COURT these are Skeleton Argument in Support of this Petition by the Petitioner.

1.0 My Lord/Lady, **Article 73 (1) of the Constitution of Zambia** provides as follows:

"(1) A person may file an election petition with the High Court to challenge the election of a Member of Parliament."

Your petitioner having been a Candidate for election of Member of Parliament for Milanzi Constituency and being aggrieved by the election results thereon moves this Court pursuant to the above article.

1.1 The Petitioner being dissatisfied with the election results alleging that the election of the 1st Respondent was marred by irregularities moves this Court to declare the election null and *void. Section 97 (2) of the Electoral Process Act provides as follows:*

"(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."

1.2 My Lord/Lady, Your Petitioner alleges and intend to prove at the hearing that the Respondents' conduct violated the electoral rules which renders the election not credible.

1.3 My Lord/Lady, the law is very clear on the conduct of the election as it is basic requirement that an elected person must have won an election which was free, fair and credible that is democracy. The will of the people to elect a person to represent them is reflected in the result of the election free of intimidation, violence, abuse, and adherence to the laws established.

1.4 My Lord/Lady in the case of **Brelsford James Gondwe v Catherine Namugala** when the Supreme Court said:

"The burden o f establishing the grounds lies on the person making the allegation and in election petitions, it is the petitioner in keeping with the well settled principle of law in civil matters that he who alleges must prove. The grounds must be established to the

required standard in election petitions namely fairly high degree of convincing clarity."

1.5 Further in the case of **Akashambatwa Mbikusita Lewanika and others v Fredrick Jacob Titus Chiluba** wherein the Supreme Court said:

"...that parliamentary election petitions have generally long required to be proved to a standard higher than on a mere balance of probability... the issues raised are required to be established to a fairly high degree of convincing clarity."

1.6 The Petitioner is well aware of the required standard and proof that is required for him to prove the allegation made against the Respondents of which he will discharge at trial.

1.7 The Petitioner allege that the 2nd Respondent failed to conduct the election in accordance with the law. In the case of **Giles Chomba Yamba Yamba v Kapembwa Simbao and others**, we held that:

"...the Constitution expressly gives the function to conduct elections to the Electoral Commission of Zambia ... The ECZ must fulfill this function by ensuring that the requirements of the Electoral Process Act are respected and observed in the electoral

process. Section 97 (2) (b). therefore. concerns non-compliance to the provisions of the Act by the ECZ. the body charged with the conduct of elections under Article 229 (2) (b) of the Constitution. and not the candidates to an election or their agents."

1.8 Your Petitioner bring to aid the case of **Margaret Mwanakatwe v Scott & Another (Appeal 14 of 2016) [2018] ZMCC 257 (31 October 2018) at J73** where it states:

"... any act by supporters of a political party intended to prevent members of another political party from exercising their right to solicit for votes from the general public. offends against the spirit of section 97 (2) (b) of the Act."

1.9 Through out the campaign period the 1st Respondent appeared in the company of his supporters at Rallies held by the Petitioner disrupting his campaigns.

2.0 The Petitioner is mindful of allegations that the Respondents are answerable to. In **Lewanika and Others v Chiluba**, the Supreme Court observed thus:
"We are mindful of the provisions of the Electoral Act that a candidate is only answerable to those things which he has done or which are done by his election agent or with his consent. In this regard. we note that not everyone in one's political party is one's political agent since under regulation 67. an election agent has to be specifically so appointed."

2.1 My Lord/Lady. as the evidence will show the Motor vehicle Toyota Spacio Registration No. AC9 6483 belong to the 1st Respondent and was extensively used

by him as campaign vehicle during the election. Further, Vehicle Toyota Auris white in colour was being driven by the 1st Respondent and made several appearances with his supporters at rallies addressed by your Petitioner.

2.2 The Petitioner will prove that the acts complained of and conduct of the 1st Respondent was wide spread in such that the electorates were afraid of being hammed by the 1st Respondent and his supporters. In the case of **Austin Liato v Sitwala Sitwala** we said: " .. .*it is not sufficient for a petitioner to prove only that a candidate committed an illegal or corrupt practice or engaged in other misconduct in relation to the election without proof that the illegal or corrupt practice or misconduct was widespread and prevented or may have prevented the majority of the voters in the constituency, district or ward from electing a candidate of their choice."*

2.3 My Lord/Lady, Your Petitioner will prove at trial that the conduct of the Respondents were wide spread rendering the results of the election not credible.

2.4 **Regulation 15(1)(a) of the Electoral Code of Conduct** states:

"A person shall not - (a) cause violence or use any language or engage in any conduct which leads or is likely to lead to violence or intimidation during an election campaign or election:"

Also, **section 83(l)(g) of the Act** says:

"A person shall not directly or indirectly, by oneself or through any other person -

(g) unlawfully prevent the holding of any political meeting, march, demonstration or other political event."

2.5 Your Petitioner states that the above conduct prevented him from conducting political meetings to drum up support for his election as Member of Parliament for Milanzi.

2.6 The Petitioner is aware of the holding of the Supreme Court in **Richwell Siamunene v Sialubalo Gift** we said the following:

"Mere proof that the UPND supporters were indeed involved in the said acts does not warrant an inference being drawn that the Respondent had directly or indirectly incited the UPND supporters to act as they did. To so hold would amount to speculation and it is not the duty of this Court to make assumptions based on nothing more than party membership and candidacy in an election."

My Lord/ Lady, your Petitioner will state to the contrary the 1st Respondent was always at the scene of the intimidation, inference and threatening violence to the Petitioners rallies and always driving his motor vehicles.

2.7 The above affirms the position in the case of **Richwell Siamunene v Sialubalo Gift** were that:

"When section 83 is read with section 97, it is clear that the violence or threat of violence must be perpetrated by the candidate or with the candidate's knowledge

and approval or consent or that of his election or polling agent. In order for the candidate to be liable for the illegal practice or misconduct, it must be shown to be that of his official agent: there must be proof to the required standard that he had both knowledge of it and approved or consented to it: or that his election or polling agent had knowledge and consented to or approved of it."

2.9 In the case of **Mumba v Daka** where the Supreme Court stated that:

"The evidence on record, highlighting incidents of misconduct in form of violent acts committed by the Kulima Tower boys is overwhelming. The intimidation and actual violence committed against the appellant and his party, the MMD, is well documented. The boys J19 who were sponsored by the appellant can be said to have caused so much fear among the voters in the constituency."

2.10 In the case of **Phiri v. Mangani**, which followed **Mlewa v Wightman** with approval, was cited to the effect that:

"Under paragraph (a) of the Electoral Act, 1991, it does not matter who the wrongdoer is. The election will be nullified if there is wrongdoing of the type and scale, which satisfies the Court that it has adversely affected or may have affected the election."

3.0 My Lord/Lady, where the electorates are intimidated through use of threats and actual violence duration the election period that election can not be said to be free and fair and bound to be nullified.

In the case of **Masumba v Kamondo**, stated that:

"The requirement in the current law for nullifying an election of a Member of Parliament is that a petitioner must not only prove that the respondent has committed a corrupt or illegal act or other misconduct or that the illegal act or misconduct complained of was committed by the respondent's election agent or polling agent or with the respondent's knowledge, consent or approval, but that he/she must also prove that as a consequence of the corrupt or illegal act or other misconduct committed, the majority of voters in the constituency were or may have been prevented from electing a candidate whom they preferred."

3.1 In the case of **Luo v Mwamba and Another** we went on to hold that:

"Section 97(2) of the (Electoral Process) Act is central to the judicial resolution of electoral disputes...In order to successfully have an election annulled, there is a threshold to surmount. The first requirement is for the petitioner to prove to the satisfaction of the Court, that the person whose election is challenged personally or through his duly appointed election or polling agent, committed a corrupt practice or illegal practice or other misconduct in connection with the election: or that such malpractice was committed with the knowledge and consent or approval of the candidate or his or her election or polling agent... In addition, the petitioner has the further task of adducing cogent evidence that the electoral

malpractice or misconduct was so widespread that it swayed or may have swayed the majority of the electorate from electing the candidate of their choice."

The law is clear where the candidate is seen and participating in the acts contrary to the provisions of the Act.

3.2 In the case of **Bowman Lusambo vs. Benard Kanengo and Others** the Court stated as follows:

"In the case in casu. the evidence has clearly shown that violence in the two wards of Kabushi Constituency was committed by the appellant's supporters in the appellant's presence. The appellant in his own evidence, placed himself at the scenes of the violence. His own campaign manager (RW2) also placed himself at the scenes of the violence. Therefore, the learned trial Judge was on firm ground when he attributed the violence committed in the appellant's presence by the "Nato Forces" to the appellant."

The Petitioner is alive to the fact that the burden lays with him to prove his allegation but where he states facts the Respondent have equally a burden to discharge.

3.3 In the case of **Odinga and Others v Independent Electoral and Boundaries Commission and Others,** where the Supreme Court of Kenya put it thus:

"There is apparently a common thread in the foregoing comparative jurisprudence on burden of proof in election cases. Its essence is that an electoral cause is

established much in the same way as a civil cause: the legal burden rests on the petitioner but depending on the effectiveness with which he or she discharges this, the evidential burden keeps shifting. Ultimately, of course, it falls to the Court to determine whether a firm and unanswered case has been made."

3.4 The learned authors of **Halsbury's Laws of England Vol 122 at paragraph 704 page 248** is apt in which it is stated that:

"The evidential burden or the burden of adducing evidence will rest initially upon the party bearing the legal burden. However, rather than referring toa shifting burden, it may be more accurate to say that it is the need to respond to the other party's case that changes as the trial progresses according to the balance of evidence given by each party at any particular stage."

3.5 In the case of **Bowman Lusambo vs Benard Kanengo and Others** the Court states as follows:

"We have examined the record and find on the totality of the wrongful acts that the appellant has been connected to, that the difference of the 5,824 votes cannot be said to have been so large that the wrongful acts had no impact on the electorate. We therefore do not agree with the contention by Counsel for the appellant that the margin of votes of 5,824 polled between the appellant and the 1st respondent was so wide as not to have affected the election result."

The Court went on and stated:

"Clearly on the totality of the wrongful acts that have been connected to the appellant and having found that the wrongful acts were widespread, the inescapable conclusion is that the majority of the voters in Kabushi Constituency were or may have been prevented from electing their preferred candidate as found by the learned trial Judge."

3.6 My Lord/Lady, the difference in the numbers of votes can be attributed to the wrongful acts by the 1st and 2nd Respondent consequently had have signifant impact on the election results for Milanzi Constituency.

3.7 My Lord/Lady, on the totality of the alleged breaches of the Electoral Process Act by the Respondents, we implore that this Court grants the reliefs being claimed by the Petitioner against the Respondents.

3.8 **We forever Pray**

Dated the .....day of 2026

Per: Messrs Muleza Mwiimbu and Co
Plot 3797 Ngwerema Close
Off Kwacha Road, Olympia Park
Email: mulezamwiimbu@gmail.com
LUSAKA-ZAMBIA
Advocates for the Petitioner

2026/ HP/EP/

IN THE HIGH COURT OF ZAMBIA

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Constitutional Jurisdiction)

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

AND

IN THE MATTER OF: SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT, NO. 3 OF 2016

AND

IN THE MATTER OF: SECTIONS 98 (C), 99 (A), 100 (2) (A), 106 (1)(B), 108 (4) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF : THE PARLIAMENTARY ELECTION FOR KAPUTA CONSTITUENCY OF THE DISTRICT OF KAPUTA HELD ON THE 13th DAY OF AUGUST, 2026.

BETWEEN:

TYLAD LUNGU — PETITIONER

AND

LUMANKIO ZULU — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

SKELETON ARGUMENTS

Messrs Muleza Mwiimbu & Co, Plot 3796 Ngwerema Close, Off Kwacha Road, Olympia Park, Lusaka. Email: mulezamwiimbu@gmail.com. Advocates for the Petitioner

IN THE HIGH COURT OF ZAMBIA

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Constitutional Jurisdiction)

2026/ HP/EP/006



IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

AND

IN THE MATTER OF: SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT, NO. 3 OF 2016

AND

IN THE MATTER OF: SECTIONS 98 (C), 99 (A), 100 (2) (A), 106 (1)(B), 108 (4) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF: THE PARLIAMENTARY ELECTION FOR KAPUTA CONSTITUENCY OF THE DISTRICT OF KAPUTA HELD ON THE 13th DAY OF AUGUST 2026.

BETWEEN:

TYLAD LUNGU — PETITIONER

AND

LUMANKIO ZULU — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

AFFIDAVIT VERIFYING FACTS

I, **TYLAD LUNGU**, a Zambian national of Plot Number 24433, Off Kasama Road, Libala South in the City and province of Lusaka in the Republic of Zambia, do hereby make **OATH** and **SAY** as follows:

1. That my full names are as stated above.

2. That I am of Zambian Nationality.

3. That my place of residence is as stated above.

4. That I am the petitioner in this matter thus, competent to swear to this my affidavit from the facts and knowledge partly within my personal Knowledge and belief and partly from the knowledge as told to me by my advocates of Messrs Muleza Mwiimbu and Company verily believing in the truth and veracity of the same.

5. That on the 13th day of August 2026, elections to the parliamentary seat of Milanzi Constituency were held and administered by the 2nd Respondent.

6. That on the 15th day of August, 2026, the returning officer for the Milanzi constituency declared the 1st Respondent as the duly elected member of parliament for the Milanzi Constituency upon pulling 5, 006 votes.

7. That I am dissatisfied with results of the said elections as the same were marred with wide spread illegality, misconduct and non-compliance with the law and requisite regulations.

8. That the 1st Respondent was gravely involved in acts that violated the law which includes but not limited to vote buying and or violating the relevant regulations such as carrying, displaying weapons at the political gathering held by the Petitioner.

9. That on or about the 13th of August 2024, while the Petitioner was holding his political meeting, the 1st and other individuals more that 30 of them drove in several vehicles disrupting the said meeting by driving around the meeting while threatening violence.

10. That on several occasions the 1st Respondent in the company of his agents went to the house of the campaign manager for the Petitioner in three cars. They threatened the same not to campaign for the Petitioner thereby intimidating him not campaigning for the Petitioner. Now produced and shown to me marked **"TL1"** are pictures of the same.

11. That at Presiding officers at Kalimeta, Malaiti and Chafela Polling Stations announced and included in total for the Constituency results that were never witnessed by the parties. Now produced and shown to me collectively marked **"TL2"** are true copies of Gen 20a of the Polling Stations.

12. That further to paragraph 11 above, the Returning Officer went ahead to include the aforesaid result in the ECZ 19 form. Now produced and shown to me marked **"TL3"** is a true copy of the record of proceeding.

13. That the inclusion of the un witnessed results disadvantages the Petitioner in that the difference between the 1st Respondent and my results is 582 votes only.

14. That the acts of intimidation, threats of violence at the rally I held in Kasamaba ndola ward were wide spread in that it has 2, 756 registered voters who did not vote.

15. That I worn in 42 Polling Stations of Milanzi Constituency out of 64, and the 1st Respondent was trailing in most of the polling station.

16. That I have been advised by my advocates and verily believe the same to be true that an election to the office of a member of Parliament can be nullified on the ground that of illegality, corrupt practices, misconduct and non-compliance.

17. That I know this is a proper case in which the parliamentary seat for the Milanzi Constituency be declared null and void on the grounds spelt out herein.

18. That I depose to the above from facts within my personal knowledge and belief.

SWORN BY the Said)

TYLAD LUNGU) .....

At Lusaka this 28 day) DEPONENT

Of Aug .....2026)

MARY GOVATI MBEWE
LLB, AHCZ, ASCZ
LEGAL PRACTITIONER
COMMISSIONER FOR OATHS

BEFORE ME: .....

COMMISSIONER OF OATHS

2026/ HP/EP/

IN THE HIGH COURT OF ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Constitutional Jurisdiction)

IN THE MATTER OF: ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT NO. 2 OF 2016

AND

IN THE MATTER OF: SECTIONS 97(2) OF THE ELECTORAL PROCESS ACT. NO. 3 OF 2016

AND

IN THE MATTER OF: SECTIONS 98 (C), 99 (A), 100 (2) (A), 106 (1)(B), 108 (4) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016

AND

IN THE MATTER OF : THE PARLIAMENTARY ELECTION FOR KAPUTA CONSTITUENCY OF THE DISTRICT OF KAPUTA HELD ON THE 13th DAY OF AUGUST, 2026.

BETWEEN:

TYLAD LUNGU — PETITIONER

AND

LUMANKIO ZULU — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

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

CERTIFICATE OF EXHIBITS

These are true copies of Exhibits referred to in the Affidavit of one **TYLAD LUNGU** marked TL1 to TL3

Dated the 28 day of Aug 2026

.....

COMMISSIONER FOR OATHS

MARY GOVATI MBEWE
LLB, AHCZ, ASCZ
LEGAL PRACTITIONER
COMMISSIONER FOR OATHS

TL1

GEN 20a
Regulations 43(2)
(Complete in triplicate)

THE REPUBLIC OF ZAMBIA

The Electoral Process Act, 2016
(Act No.35 of 2016)

The Electoral Process (General) Regulations, 2021

ANNOUNCEMENT OF THE RESULT OF THE POLL

~~PRESIDENTIAL~~ / MEMBER OF PARLIAMENT/ ~~MAYOR/COUNCIL CHAIRPERSON/COUNCILLOR~~*

I, TEMBO ZEPHENIA (Presiding Officer's Name in full in BLOCK CAPITAL) being the Presiding Officer for KALIMETA-01 (Name and Number of Polling Station) in MILANZI Constituency do hereby announce that I have, in accordance with the law, counted the votes of the poll in the said polling station and that they have been given to:

No.	Name of Candidate	Party/Independent	Votes (in figures)	Votes (in words)
1.	PHIRI MELESIANA	NRPUP	115	ONE HUNDRED FIFTEEN
2.	LUNGU TYLAD	UPND	90	NINETY
3.	BANDA CHARLES	IND	47	FORTY SEVEN
4.	ZULU LUMANKIO	IND	23	TWENTY THREE
5.	FUNSANI PETER. B	RP	06	SIX
6.	BANDA ROSEMARY	IND	03	THREE
7.	BANDA WHITESON	CF	02	TWO
8.	MWALE ANDREW	SP	02	TWO
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				

I further declare that a total of 13 ballot papers have been rejected by me as invalid and that a total of 301 votes were cast.

Dated this 13th day of AUGUST 2026 Signed: [signature]

Witnessed by:

Name/Party	Signature	Name/Party	Signature	Name/Organisation	Signature
(Name and Signature of Agent)		(Name and Signature of Agent)		(Name and Signature of Agent)	

INSTRUCTIONS

1. [illegible]
2. [illegible]
3. [illegible]

*Delete where inapplicable

CamScanner

GEN 20a
Regulations 4(2)
(Complete in triplicate)

THE REPUBLIC OF ZAMBIA

The Electoral Process Act, 2016
[Act No.35 of 2016]

The Electoral Process (General) Regulations, 2021

ANNOUNCEMENT OF THE RESULT OF THE POLL

~~PRESIDENTIAL~~ / MEMBER OF PARLIAMENT/ ~~MAYOR/COUNCIL CHAIRPERSON/COUNCILLOR~~*

I, NANZAMKA NGHIMUNYA (Presiding Officer's Name in full in BLOCK CAPITAL) being the Presiding Officer for MALAITI - 103003001601 (Name and Number of Polling Station)

in MILANZI - 01030043 Constituency do hereby announce that I have, in accordance with the law, counted the votes of the poll in the said polling station and that they have been given to:

No.	Name of Candidate	Party/Independent	Votes (in figures)	Votes (in words)
1.	LUNGU TYLAD	UPND	153	ONE HUNDRED FIFTY THREE
2.	PHIRI MELESIANA	NRPUP	87	EIGHT SEVEN
3.	BANDA CHARLES	INDEPENDENT	72	SEVENTY - TWO
4.	ZULU LUMANKIO	INDEPENDENT	30	THIRTY
5.	BANDA WHITESON	CF	22	TWENTY - TWO
6.	BANDA ROSEMARY	INDEPENDENT	08	EIGHT
7.	FUNSANI PETER - B	RIP	05	FIVE
8.	MWALE ANDREW	S.P	02	TWO
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				

I further declare that a total of 17 ballot papers have been rejected by me as invalid and that a total of 396 votes were cast.

Dated this 14TH day of AUGUST 2026. Signed: [signature]

Witnessed by:

Name/Party	Signature	Name/Party	Signature	Name/Organisation	Signature
(Name and Signature of Agents)		(Name and Signature of Agents)		(Name and Signature of Agents)	

INSTRUCTIONS

1. This form must be completed in sufficient quantities to give **one** copy to each polling agent by the Presiding Officer. The Presiding Officer must read out aloud the text from the original to the public outside and inside the polling station.
2. The full names of the candidates, party and votes received in figures 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 Returning Officer together with other materials at the conclusion of the count. Copies can be given to each candidate/party agents and monitors.

*Delete where inapplicable

CamScanner

GEN 20a

THE REPUBLIC OF ZAMBIA

The Electoral Process Act, 2016

(Act No 35 of 2016)

The Electoral Process (General) Regulations, 2021

ANNOUNCEMENT OF THE RESULT OF THE POLL

~~PRESIDENTIAL~~ / MEMBER OF PARLIAMENT/ ~~MAYOR/COUNCIL CHAIRPERSON/COUNCILLOR~~*

I, JASON BANDA (Presiding Officer's Name in full in BLOCK CAPITALS) being the Presiding Officer for CHAFOLA RCK CHURCH-01 (Name and Number of Polling Station)

in MILANZI-01030243 Constituency do hereby announce that I have, in accordance with the law, counted the votes of the poll in the said polling station, and that they have been given to

No.	Name of Candidate	Party/Independent	Votes (in figures)	Votes (in words)
1.	ZULU LUMANGWE	INDEPENDENT	146	ONE HUNDRED AND FORTY SIX
2.	PHIRI MELESIANA	NRFVP	77	SEVENTY SEVEN
3.	LUNGU TYSON	UPND	49	FOURTY NINE
4.	BANDA CHARLES	INDEPENDENT	36	THIRTY SIX
5.	MWALE ANDREW	SP	07	ZERO SEVEN
6.	BANDA ROSEMARY	INDEPENDENT	05	ZERO FIVE
7.	BANDA WHITESON	CF	04	ZERO FOR
8.	FUNSANI PETER. B	RP	03	ZERO THREE
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				

I further declare that a total of 06 ballot papers have been rejected by me as invalid and that a total of 333 votes were cast.

Dated this 18TH day of AUGUST 2026 Signed

Witnessed by:

Name/Party	Signature	Name/Party	Signature	Name/Organisation	Signature

INSTRUCTIONS

1. [illegible]
2. [illegible]
3. [illegible]

*Delete where inapplicable

CamScanner

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

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

DECLARATION OF THE RESULTS OF THE POLL - Member of Parliament

I, KAMANGA PATRICIA being the Returning Officer for MILANZI Constituency, KATETE 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)
ZULU Lumankio	IND	5,006	Five Thousand and Six
PHIRI Melesiana	NRPUP	4,749	Four Thousand Seven Hundred and Forty-Nine
LUNGU Tylad	UPND	4,424	Four Thousand Four Hundred and Twenty-Four
BANDA Charles	IND	2,842	Two Thousand Eight Hundred and Forty-Two
BANDA C Rosemary	IND	1,934	One Thousand Nine Hundred and Thirty-Four
BANDA Whiteson	CF	574	Five Hundred and Seventy-Four
FUNSANI B Peter	RP	402	Four Hundred and Two
MWALE Andrew	SP	132	One Hundred and Thirty-Two

I further declare that a total of 936 ballot papers have been rejected as invalid and that a total of 20,999 Votes were cast.

I therefore declare that the said ZULU Lumankio to be this day duly elected as Member of Parliament for MILANZI Constituency.

Dated this 15 day of August, 2026

Signature: [signature]

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
MORRIS [illegible]	Electoral [illegible]	[illegible]			
BATIZAN [illegible]	FODEP	[illegible]			
[illegible]	Consortium [illegible]	[illegible]			
Miriam Daka	[illegible]	[illegible]			
Jackson Banda	NRPUP	[illegible]			
ADON BANDA	MONITOR	[illegible]			
Natasha Banda	Caritas	[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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ECZ 19

(complete in triplicates)

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: KATETE

Constituency: MILANZI

Number of polling Stations: 66 of 66

Date of Poll: 13-08-2026

Date and Time Totalling Commenced:

Polling Station	Total Ballot Papers found in Box	1 BANDA Charles (RHD)	2 BANDA Mildreen (CF)	3 BANDA C Rosemary (HH)	4 FUNSANI S Peter (PF)	5 LUNGU Tyford (UPND)	6 MWALE Andrew (SP)	7 PHIRI Mwiwiane (NAPSUP)	8 ZULU Lumenkia (INDI)	9 Rejected Ballot Papers	Total
Bantwa School-01 - 10000309101	446	91	17	23	7	168	2	85	7	22	440
Bwanda Community School-01 - 10000307301	175	9	2	78	3	48	0	7	14	13	175
Chadiuma Primary School-01 - 10000304901	219	37	7	27	6	54	1	21	79	5	219
Chalida RC2 Church-01 - 10000311201	333	36	4	3	3	49	7	77	146	4	333
Chaluhanghwa Co-operative Shed-01 - 10000311101	268	6	3	5	2	14	4	17	152	7	268
Chambwena School-01 - 10000309401	467	125	8	7	9	79	5	201	22	11	467
Chibwela Community School-01 - 10000308201	514	51	42	2	5	230	4	151	31	18	514
Chikondi Co-operative Shed-01 - 10000310901	331	6	4	2	3	25	2	31	242	14	331
Chilowa Central African Church-01 - 10000309701	417	20	7	15	2	116	2	204	19	24	417

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Polling Station	Total Ballot Papers found in Box	1 SANDA Charles (IND)	2 SANDA Widmore (CF)	3 SANDA C Rosemary (IND)	4 FUNSANI B Peter (PF)	5 LUNGU Tyfael (UPND)	6 MWALE Andrew (AF)	7 PHIRI Mulozane (NDPUP)	8 ZULU Lumeeso (IND)	9 Rejected Ballot Papers	Total
Chilegundi Community School-01 - 103603XXX201	309	80	3	12	4	139	1	39	34	9	309
Chilungano RCE Church-01 - 10360XXX501	163	32	3	1	5	34	3	42	39	4	163
Chindwindre School-01 - 10360XX0401	306	6	4	7	6	33	0	65	206	21	306
Chiowa School-01 - 10360X0101	443	125	29	17	6	46	2	122	87	13	443
Chiwendale Primary School-01 - 10360XXX601	343	57	15	8	3	78	3	63	69	25	343
Chiwendale Primary School-02 - 10360X0XX02	326	45	4	5	4	77	3	103	65	21	326
Chiwitanzo Roman Catholic Church-01 - 10360X010601	400	209	1	1	1	11	3	123	28	21	400
Chiwo Primary School-01 - 10360X0770	307	21	1	179	1	42	1	20	27	15	307
Chiwolo cooperative Shed-01 - 10360XXX301	217	33	5	10	1	94	2	49	19	4	217
Chiyandiko Roman Catholic Church-01 - 10360X0XX01	317	94	7	14	17	106	1	44	41	23	317
Dole School-01 - 10360X011601	442	6	43	8	2	44	0	57	265	6	442
Dole School-02 - 10360X01 1XX2	413	5	25	1	3	36	0	42	287	14	413
Kafumbwe School-01 - 10360X037901	360	43	3	131	2	70	1	39	59	8	360
Kafumbwe Secretary School-01 - 10360X037501	310	9	4	141	2	52	1	27	84	10	310
Kagoro School-01 - 10360X0X0601	388	21	36	6	4	48	0	145	122	7	388
Kagoro School-02 - 10360X0X0602	381	16	21	7	3	69	1	156	100	13	381
Kahola School-01 - 10360X0X0101	375	29	3	19	4	65	0	149	79	29	375
Kahola School-02 - 10360X0X0102	382	25	5	19	2	89	1	174	66	8	382
Kaliwa School-01 - 10360X0X0301	301	47	2	3	4	95	2	115	23	13	301
Kalongwe Roman Catholic Church-01 - 10360X0X0501	274	9	2	93	16	89	2	65	21	15	274
Kambole School-01 - 10360X010201	395	15	4	72	8	73	1	52	152	19	395
Kamphamba School-01 - 10360X0X0101	242	86	7	1	2	65	3	86	15	3	242

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Polling Station	Total Ballot Papers found in Box	1 BANDA Charles (IND)	2 BANDA Wisdom (CP)	3 BANDA C. Rosemary (IND)	4 Fishfaced & Puter (PP)	5 LUMEJU Tyfad (UPND)	6 MWALE Andrew (SP)	7 Prof Nalwiano (NRP/UP)	8 ZULU Lumanka (IND)	9 Rejected Ballot Papers	Total
Kandwe Reformed Church in Zambia-01 - 103030009001	343	32	3	7	1	62	1	77	46	11	343
Kapata RCZ Church-01 - 103030210301	358	16	3	12	7	36	1	34	103	34	346
Kapaya Basic School-01 - 103030007201	347	40	11	16	8	103	7	55	38	19	347
Kapondwe Roman Catholic Church-01 - 103030005701	112	12	3	15	3	24	1	31	17	6	112
Kaputa Community School-01 - 103030004801	366	109	13	22	2	31	5	50	14	20	266
Katowa School-01 - 103030010701	330	12	2	6	3	11	0	23	231	12	308
Kattumba School-01 - 103030008401	358	34	3	8	7	64	3	95	106	20	336
Kafula School-01 - 103030006701	381	41	10	22	4	106	3	66	53	15	361
Kafula School-02 - 103030006702	352	31	4	29	8	141	1	58	41	36	353
Kawaza School-01 - 103030008801	466	13	1	109	82	66	0	134	29	9	433
Kazala School-01 - 103030007401	365	46	9	217	1	31	2	30	48	16	399
Khabwa Reformed Church in Zambia-01 - 103030103501	340	6	1	3	7	52	1	36	224	11	340
Khabwa Reformed Church in Zambia-02 - 103030102502	319	4	7	7	4	47	0	28	206	14	319
Lunga School-01 - 103033004401	334	36	11	117	12	37	5	58	22	16	334
Lunga School-02 - 103033004402	283	41	3	86	4	33	1	84	6	21	283
Mabili Central African Church-01 - 103033004601	336	72	22	9	6	113	2	87	30	17	336
Matoya Roman Catholic Church-01 - 103030210001	260	19	7	4	3	10	3	72	138	12	260
Matoya Roman Catholic Church-02 - 103030210002	258	13	1	3	6	17	2	73	140	4	254
Mawaya Roman Catholic Church-01 - 103030709401	253	30	7	8	14	46	2	85	46	15	256
Mbabini Community School-01 - 103033005001	318	80	14	3	6	99	4	51	102	9	318
Mbanga School-01 - 103030007301	307	77	4	19	3	45	3	53	65	8	307
Mbanga School-02 - 103030007302	300	84	7	11	2	66	0	56	66	4	306

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Polling Station	Total Ballot Papers found in Box	1 BANDA Charles (IND)	2 BANDA Whinson (CF)	3 BANDA C Rosemary (IND)	4 FUNDAVI B Peter (NP)	5 LUNGU Tyled (UPND)	6 MWALE Andrew (BP)	7 PHIRI Melezione (MYPUP)	8 ZULU Lumenkie (IND)	9 Rejected Ballot Papers	Total
Milend Primary School-01 - 103003007101	357	39	25	67	2	86	2	41	66	26	357
Minkamba Central African Church-01 - 103003007901	119	11	8	6	9	26	2	22	30	9	119
Mnthipa School-01 - 103003008301	463	184	7	11	10	124	2	63	24	32	463
Mphamba Roman Catholic Church-01 - 103003008701	251	32	3	28	17	59	2	39	83	12	251
Mudo Roman Catholic Church-01 - 103003008801	357	32	1	71	3	83	4	46	17	19	357
Mthilansamba Community School-01 - 103003009001	215	62	4	8	5	18	6	79	36	3	215
Mwendafai School-01 - 103003009501	340	89	32	14	2	126	2	47	16	19	340
Nkhungulu Roman Catholic Church-01 - 103003009201	213	47	8	3	1	11	3	87	19	23	213
Nkhungulu Roman Catholic Church-02 - 103003009202	203	40	9	4	7	16	1	87	19	10	203
Eimani Roman Catholic Church-01 - 103003010901	213	15	6	3	2	15	3	96	112	6	213
Umedal School-01 - 103003005801	381	84	8	11	8	126	2	75	66	8	381
Yellow Co-operative shed-01 - 103003007801	214	16	1	46	6	13	1	29	85	17	214
Zakanka Primary School-01 - 103003008401	253	28	3	3	0	102	0	100	8	7	253
Total Votes	20,398	2,842	574	1,934	402	4,424	132	4,748	5,008	936	20,398

KAMANGA PATRICIA
Name of Returning Officer

Signature of Returning Officer

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
MICHAEL PHIRI	AFRI - NEST	[signature]			
MORRIS MWALE	ELECTION AGENT	[signature]			
Natasha Banda	caritas	[signature]			
Miriam Daka	consortium of CSOS	[signature]			
MAXWELL CHINKUMBI	consortium of CSOS	[signature]			

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