IN THE HIGH COURT OF ZAMBIA

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Constitutional Jurisdiction)

2026/ HP/EP/ 006

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

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 KATETE 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

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

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 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

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

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

.....
COMMISSIONER FOR OATHS

'TL1'



TL2V

GEN 20a
Regulation 49(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, JASON BWALYA (Presiding Officer's Name in full in BLOCK CAPITALS), being the Presiding Officer for CHAFELA RCZ 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 LUMANKIB	INDEPENDENT	116	ONE HUNDRED AND FOURTY SIX
2	PHIRI MELESIANA	NRPUP	77	SEVENTY SEVEN
3	LUNGU TYLAS	UPND	49	FOURTY NINE
4	BANDA CHARLES	INDEPENDENT	86	THIRTY SIX
5	MWALE ANDREW	SP	07	ZERO SEVEN
6	BANDA ROSEMARY	INDEPENDENT	05	ZERO FIVE
7	BANDA WHITESON	CF	04	ZERO FOUR
8	FUNSANI PETER. B	RP	03	ZERO THREE
9				
10				
11				
12				
13				
14				
15				

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 13TH 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 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 CHAFELA RCZ CHURCH-01 (Name and Number of Polling Station)

in MILANZI-010307-43 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 LUMANJILO	INDEPENDENT	146	ONE HUNDRED AND FOURTY SIX
2	PHIRI MELESIANA	NRPUP	77	SEVENTY SEVEN
3	LUNGU TYLAS	UPND	49	FOURTY NINE
4	BANDA CHARLES	INDEPENDENT	36	THIRTY SIX
5	MWALE ANDREW	SP	01	ZERO SEVEN
6	BANDA ROSEMARY	INDEPENDENT	05	ZERO FIVE
7	BANDA WHITESON	CF	04	ZERO FOUR
8	FUNSANI PETER. B	RP	03	ZERO THREE
9				
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I the Hon 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 12TH day of AUGUST 2026 Signed

Witnessed by:

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

INSTRUCTIONS

*Delete where inapplicable

CamScanner

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

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, NANZAMUKA NCHIMUNYA being the Presiding Officer for MALAITI - 103003006601
(Presiding Officer's Name in full in BLOCK CAPITAL) (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.				
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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

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GEN 20a
[Regulations 42(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 KAHMETA – 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 MENESIANA	NAPUP	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.	MUNSANI PETER. B	RP	06	SIX
6.	BANDA ROSEMARY	IND	03	THREE
7.	BANDA WHITESON	CP	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: .....

Witnessed by:

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

(Name and* position of Agent) (Name and* position of Agent) (Name of candidate / party)

INSTRUCTIONS

1. [illegible] one [illegible] signed by the Presiding Officer. The Presiding Officer must [illegible] the [illegible] at the public [illegible] outside the polling station.
2. [illegible] of the candidates, party and votes received by [illegible] in the respective columns, [illegible] with the [illegible] candidate's name at no. 1.
3. [illegible] Returning Officer [illegible] at the [illegible] of the [illegible] Council [illegible] Report Form [illegible] candidate / party agents [illegible].

*Delete where inapplicable

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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, 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: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
MORRIS Mwale	Election Cop				
BATIZANI	FODEP				
Maxwell Chinkumbo	Consortium of CSOs				
Mirriam Daka	Consortium of CSOs				
Jackson Banda	NRPUP				
ADDO BANDA	MONITOR				
Natasha Banda	Caritas				

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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"TL3"

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 (IND)	2 BANDA Whiteson (CF)	3 BANDA C Rosemary (IND)	4 FUNSANI B Peter (RP)	5 LUNGU Tyled (UPND)	6 MWALE Andrew (SP)	7 PHIRI Melesiana (NRPUP)	8 ZULU Lumankio (IND)	9 Rejected Ballot Papers	Total
Bombwe School-01 - 103003008101	445	90	17	23	7	192	2	85	7	22	445
Bvunda Community School-01 - 103003007001	175	9	2	78	3	49	0	7	14	13	175
Chadzuma Primary School-01 - 103003006901	219	27	7	22	6	54	1	21	76	5	219
Chafela RCZ Church-01 - 103003011201	333	36	4	5	3	49	7	77	146	6	333
Chakomphwa Co-operative Shed-01 - 103003011101	268	6	3	3	2	74	4	17	152	7	268
Chamkwawa School-01 - 103003009601	467	125	8	7	8	79	5	201	22	11	467
Chibondo Community School-01 - 103003009201	514	31	42	2	5	230	4	151	31	18	514
Chitondi Co-operative Shed-01 - 103003010901	331	6	4	2	3	25	2	31	242	16	331
Chitwe Central African Church-01 - 103003009701	417	26	7	15	3	118	2	204	19	24	417

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Polling Station	Total Ballot Papers found in Box	1 BANDA Charles (IND)	2 BANDA Whitson (CF)	3 BANDA C Rosemary (IND)	4 FUNSANI B Peter (RP)	5 LUNGU Tylad (UPND)	6 MWALE Andrew (SP)	7 PHIRI Melesiana (NRPUP)	8 ZULU Lumankio (IND)	9 Rejected Ballot Papers	Total
Chilingondi Community School-01 - 103003006201	300	80	5	12	4	118	1	35	36	9	300
Chilungamo RCZ Church-01 - 103003005901	163	32	3	1	5	34	3	42	39	4	163
Chimbundire School-01 - 103003010401	398	6	4	7	6	33	0	55	266	21	398
Chimwa School-01 - 103003010101	443	120	28	17	8	46	2	122	87	13	443
Chimwalala Primary School-01 - 103003008901	343	57	10	8	3	76	2	93	69	25	343
Chimwalala Primary School-02 - 103003008902	326	45	4	5	4	77	2	103	65	21	326
Chinkhanzo Roman Catholic Church-01 - 103003010801	400	209	1	1	1	11	3	125	28	21	400
Chioza Primary School-01 - 103003007701	307	21	1	179	1	42	1	20	27	15	307
Chisaka cooperative Shed-01 - 103003009301	217	33	5	10	1	94	2	49	19	4	217
Chisindiko Roman Catholic Church-01 - 103003008601	317	64	7	14	17	106	1	44	41	23	317
Dole School-01 - 103003011001	442	6	43	0	2	41	0	57	285	8	442
Dole School-02 - 103003011002	413	5	25	1	3	36	0	42	287	14	413
Kafumbwa School-01 - 103003007601	360	43	3	135	2	70	1	39	59	8	360
Kafumbwa Secondary School-01 - 103003007501	310	9	4	141	2	52	1	27	64	10	310
Kagoro School-01 - 103003009901	388	21	36	5	4	48	0	145	122	7	388
Kagoro School-02 - 103003009902	381	15	21	7	3	65	1	156	100	13	381
Kakula School-01 - 103003009101	375	28	3	18	4	65	0	149	79	29	375
Kakula School-02 - 103003009102	382	25	5	19	2	80	1	174	68	8	382
Kalimeta School-01 - 103003006301	301	47	2	3	6	80	2	115	23	13	301
Kalongwa Roman Catholic Church-01 - 103003008501	274	8	2	93	14	56	2	65	21	15	274
Kambila School-01 - 103003010201	395	15	4	72	8	72	1	52	152	19	395
Kamphambe School-01 - 103003006101	242	80	7	1	2	65	3	66	15	3	242

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Polling Station	Total Ballot Papers found in Box	1	2	3	4	5	6	7	8	9	Total
		BANDA Charles (IND)	BANDA Whileson (CF)	BANDA C Rosemary (IND)	FUNSANI R Peter (RP)	LUNGU Tylad (UPND)	MWALE Andrew (SP)	PHIRI Meleziana (NRPUP)	ZULU Lumonkio (IND)	Rejected Ballot Papers	
Kandiwo Reformed Church In Zambia-01 - 103003009501	243	32	3	7	1	65	1	77	46	11	243
Kapala RCZ Church-01 - 103003010301	268	16	3	12	7	58	1	34	103	34	268
Kapepe Basic School-01 - 103003007201	347	40	11	16	6	153	7	55	30	19	347
Kapondeni Roman Catholic Church-01 - 103003005701	112	12	3	15	3	24	1	31	17	6	112
Kapulu Community School-01 - 103003006801	266	109	13	22	2	31	5	50	14	20	266
Katawa School-01 - 103003010701	300	12	2	6	3	11	0	23	231	12	300
Kathumba School-01 - 103003009401	358	54	3	6	7	84	3	95	106	20	358
Katula School-01 - 103003006701	381	41	10	23	4	168	3	86	53	15	381
Katula School-02 - 103003006702	352	31	4	29	8	141	1	59	41	38	352
Kawaza School-01 - 103003008601	455	13	1	109	82	68	5	138	29	9	455
Kazala School-01 - 103003007401	395	45	5	217	1	31	2	30	48	16	395
Kholowa Reformed Church In Zambia-01 - 103003010501	340	5	1	3	7	52	1	36	224	11	340
Kholowa Reformed Church In Zambia-02 - 103003010502	319	4	7	7	4	47	0	28	208	14	319
Lunga School-01 - 103003008401	334	56	11	117	12	37	5	58	22	16	334
Lunga School-02 - 103003008402	285	41	3	86	4	33	3	88	6	21	285
Maleli Central African Church-01 - 103003006601	396	72	22	8	5	153	2	87	30	17	396
Matope Roman Catholic Church-01 - 103003010001	280	10	7	4	3	10	3	72	159	12	280
Matope Roman Catholic Church-02 - 103003010002	258	12	1	3	6	17	2	73	140	4	258
Mawano Roman Catholic Church-01 - 103003009801	250	30	7	6	14	46	2	85	45	15	250
Mbalani Community School-01 - 103003006001	318	80	14	3	6	69	4	31	102	9	318
Mbinga School-01 - 103003007301	307	77	4	19	3	45	3	83	65	8	307
Mbinga School-02 - 103003007302	300	54	7	11	2	66	0	90	66	4	300

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Polling Station	Total Ballot Papers found in Box	1 BANDA Charles (IND)	2 BANDA Whiteson (CF)	3 BANDA C Rosemary (IND)	4 FUNSANI B Peter (RP)	5 LUNGU Tylad (UPND)	6 MWALE Andrew (SP)	7 PHIRI Melesiana (NRPUP)	8 ZULU Lumenkio (IND)	9 Rejected Ballot Papers	Total
Milanzi Primary School-01 - 103003007101	357	39	25	87	2	66	2	44	66	26	357
Mnthemba Central African Church-01 - 103003007901	119	11	8	6	5	26	2	22	30	9	119
Mnthipa School-01 - 103003008301	463	184	7	11	10	124	2	69	24	32	463
Mphemba Roman Catholic Church-01 - 103003009701	251	32	3	28	17	59	2	35	63	12	251
Msolo Roman Catholic Church-01 - 103003008001	267	32	1	71	3	83	4	46	17	10	267
Mthilansemba Community School-01 - 103003009001	215	62	4	8	5	19	0	78	36	3	215
Mwendaifisi School-01 - 103003006501	340	89	32	14	2	126	0	42	16	19	340
Nkhungulu Roman Catholic Church-01 - 103003008201	213	47	8	5	1	11	3	97	18	23	213
Nkhungulu Roman Catholic Church-02 - 103003008202	203	40	9	4	7	16	1	97	19	10	203
Simoni Roman Catholic Church-01 - 103003010801	213	10	6	3	2	15	3	56	112	6	213
Umodzi School-01 - 103003005801	381	84	8	11	9	120	2	75	66	6	381
Yeliko- Co-operative shed-01 - 103003007801	214	16	1	48	6	13	1	29	85	17	214
Zakonka Primary School-01 - 103003006401	253	28	3	5	0	102	0	100	8	7	253
Total Votes	20,999	2,842	574	1,934	402	4,424	132	4,749	5,006	936	20,999

KAMANGA PATRICIA

Name of Returning Officer

Signature of Returning Officer

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
MICHAEL PHIRI	AFRI - NEST				
MORRIS NGWALE	ELECTION AGENT				
Natasha Banda	CARITAS				
Mirriam Daka	Consortium of CSOs	Maka.			
MAXWELL MWINKWIRI	Consortium of CSOs				

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

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

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:

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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

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Constitutional Jurisdiction)

2026/ HP/EP/ 004



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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

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