IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/...031**

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

[CONSTITUTIONAL JURISDICTION]



IN THE MATTER OF: *An Election Petition of* ***ELIAS DAKA***

IN THE MATTER OF: *Article 73[1] of the* ***Constitution of the Republic of Zambia***

IN THE MATTER OF: *Section 97[2) section 99, Section 100(2) a, of the Electoral Process Act, Act No. 35 of 2016*

IN THE MATTER OF: *Msanzala Constituency Election held on 13th August, 2026*

IN THE MATTER OF: *Rule 9 of the High Court (Election Petition) Rules SI 31 of 2026*

BETWEEN:

ELIAS DAKA **PETITIONER**

AND

AMON MUMBA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

AFFIDAVIT VERIFYING FACTS

I, ELIAS DAKA of Plot 1602, ngwee road, low density area, Petauke, in the Eastern Province of the Republic of Zambia do hereby make oath and say as follows:

[1.] That my full name and residential address as stated above.

[2.] That I am a Zambian National.

[3.] That I am the Petitioner in this action and as such have the authority to swear this Affidavit from facts within my personal knowledge and **belief**.

[4.] That on 13th August, 2026 I contested the Msanzala Parliamentary Elections under the United Party for National Development (UPND)

[5.] That the said election was conducted by the Electoral Commission of Zambia established under Article 229[1] of the constitution of Zambia.

[6.] That in said election, the following persons besides myself were candidates namely the 1st Respondent, Amon Mumba, independent, Banda Nelson of NRPUP, Tembo Rasford of RP and Mwale Mailos of SP.

[7.] That the Returning Officer at Nyampande Boarding School which was the totaling Centre declared the results of the said Parliamentary Election as follows:

Mumba Amon	-	7,038
Banda Nelson	-	2,803
Daka Elias	-	1,416
Tembo Rasford	-	549
Mwale Mailos	-	171

[8.] That contrary to the declaration by the Returning Officer that the 1st Respondent was duly elected, I verily believe and have evidence to the effect that the 1st Respondent engaged in illegal and unfair conduct that influenced the result of the election.

[9.] Your Petitioner states that contrary to the declaration by the Returning Officer that the 1st Respondent was duly elected, the 1st Respondent was not validly elected for reasons below:

[a] Your Petitioner states that there were rampant and widespread irregularities and clear mathematical discrepancies recorded on the Gen20 forms as itemized below;

(i) At Muzenje Polling station in Singozi ward, the sum of the individual candidate votes equals 438, but the Presiding officer recorded an erroneous and inflated total of 458 on the Gen 20 announcement of results form creating a discrepancy of 20 votes. Now produced and shown to me marked "ED1" is a true copy of the GEN20 form,

(ii) At Kathangwira Polling station in Nyakawise Ward, the number of the valid votes and rejected votes is fundamentally inconsistent with the total number of votes as recorded in the ballot paper account. Now produced and shown to me marked **"ED2"** is a true and correct copy of the GEN 20" form evidencing the same.

(iii) At Nyamphande 02 Polling station, in Nyakawise Ward, the disaggregated candidate votes combined with the rejected ballots did not add up to the total recorded figure of 359 cast votes. Now produced and marked **"ED 3"** is a copy of the said GEN 20 form

(iv) At Nyamphande 04 Polling station in Nyakawise ward, the total valid votes recorded for all candidates contain mathematical inaccuracies that fail to reconcile with the total votes cast recorded on the Gen 20 Form. Now produced and marked **"ED 4"** is a true and correct copy of the GEN 20 form.

(v) At Matonga 01 Polling station in Nyakawise ward, the figures recorded for the valid votes and rejected votes do not mathematically reconcile with the declared total of 272 votes. Now produced and shown to me marked **"ED5"** is a true and correct copy of the GEN 20 form.

(b) Your Petitioner further states that the 2nd Respondent failed to comply with procedure to the detriment of the Petitioner as follows;

(i) At Matonga 01 Polling station in Nyakawise ward, the GEN 20 forms exhibits a direct contradiction where the numbers written in figures for the candidates differ from the number written in words making the document ambiguous and further not making it clear which of the two numbers were used to tally the final results.

(ii) At Malenga Polling station, the Presiding officer unlawfully consolidated the results for the Presidential, national assembly, and Council Chairperson Elections onto a single GEN 20 form. Now produced and shown to me marked "ED 6" is a true and correct copy of the GEN 20 form

(iii) A signed GEN 20 form submitted to the totaling centre lacks the names of the presiding officer, the polling station name, and the constituency name

(c) Your Petitioner further states that there was unlawful movement of ballot papers as well as breach of established chain of custody as itemized below;

(i) Your petitioner will show video evidence of unauthorized movement of ballot papers into and out of the totaling centre premises during the collation process

(d) Your Petitioner further states that there were rampant corrupt and illegal practices and misconduct committed by the 1st Respondent and his Agents with the knowledge and consent of the 1st Respondent in connection with the election whereby the **majority**

of the voters were prevented from electing a candidate of their choice.

(i) The 1st Respondent and his campaign agents engaged in further acts of Bribery and corruption by giving money to the voters including on the actual voting day. The Petitioner will state that the money given to the voters by the 1st Respondent and his Agents was inducement, gratification and reward for the said voters to vote for him.

(ii) Your Petitioner says that the Respondent engaged in further acts of bribery by giving agents K2,700 and further promising them K4,000 when he wins elections if they could fraudulently apportion higher votes to the 1st Respondent and swap them with those of the Petitioner so as to tilt the outcome in favour of the 1st Respondent.

(10) Your Petitioner will further state that the 1st Respondent and his agents were further engaged in corrupt activities by distributing Chitenge material (not marked campaign Chitenge) to women and Headman through all the wards and Polling stations as a reward or inducement to vote for him.

(11) Your Petitioner will further more state that at several polling stations among them RAY Polling station, in Chingolo Ward, the officers of the 2nd Respondent did not count the ballot papers but just started apportioning and recording favourable votes to the 1st Respondent after conniving with presiding officers and bribing the by giving K4, 000.00 each and promising them jobs as well as bribing the polling agents.

(12) Your Petitioner states that as a consequence of the illegal activities committed by the 1st Respondent and his agents, the majority of the voters in the affected areas and polling stations were prevented from electing the candidate of their choice.

(13) Your Petitioner contends that the 1st Respondent as a result of the above was not validly elected in terms of the Constitution of Zambia and the Electoral Act.

(14) That what I have stated herein is true and correct to the best of my knowledge and belief unless expressly stated.

SWORN by the said]
ELIAS DAKA at Lusaka this]
31st day of August 2026]

DEPONENT

BEFORE ME:

REPUBLIC OF ZAMBIA
CONSTITUTIONAL COURT OF ZAMBIA
31 AUG 2026
CLERK OF COURT
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

COMMISSIONER FOR OATHS

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/.....**

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

[CONSTITUTIONAL JURISDICTION]

IN THE MATTER OF: *An Election Petition of ELIAS DAKA*

IN THE MATTER OF: *Article 73[1] of the Constitution of the Republic of Zambia*

IN THE MATTER OF: *Section 97[2) section 99, Section 100(2) a, of the Electoral Process Act, Act No. 35 of 2016*

IN THE MATTER OF: *Msanzala Constituency Election held on 13th August, 2026*

IN THE MATTER OF: *Rule 9 of the High Court (Election Petition) Rules SI 31 of 2026*

BETWEEN:

REPUBLIC OF ZAMBIA HIGH COURT OF ZAMBIA 31 AUG 2026 PRINCIPAL REGISTRY 1 P.O. BOX 50067, LUSAKA

ELIAS DAKA **PETITIONER**

AND

AMON MUMBA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

CERTIFICATE OF EXHIBITS

These are the exhibits referred to in the Affidavit of ELIAS DAKA marked "ED1" "ED7"

Dated this 31st Day of August 2026

REPUBLIC OF ZAMBIA CONSTITUTIONAL COURT OF ZAMBIA 31 AUG 2026 CLERK OF COURT COMMISSIONER FOR OATHS P.O. BOX 50067, LUSAKA

BEFORE ME.....

COMMISSIONER FOR OATHS

"ED 1"

GEN 20a
Regulations 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, NYAKUTCMBA JCKCJA being the Presiding Officer for MZCMJC,
(Presiding Officer's Name in full in BLOCK CAPITAL) *(Name and Number of Polling Station)*
in LUSAKA CITY 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.	MUMBA AMON	IND	316	
2.	BANDA NELSON	NRPUP	77	
3.	DAKA ELIAS	UPND	22	
4.	MWALE MAILOS	SP	03	
5.	TEMBO RASFORD	RP	02	
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16.				

I further declare that a total of 18 ballot papers have been rejected by me as invalid and that a total of 458 votes were cast.

Dated this 13 day of AUGUST 20 26 Signed: .....

Witnessed by:

Name/Party	Signature	Name/Party	Signature	Name/Organisation	Signature
THECKSON CHIMBA					
BENSON BANDA					
SILIYA BANDA					
KELALA BANDA					
precious Nyoni	P. Nyoni				
Ngoza Zulu	N. Zulu				
(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**

"ED 2"

GEN 20a
Regulations 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, NGANIKA MOSES ..... being the Presiding Officer for KANTHANGWILA - 01
(Presiding Officer's Name in full in BLOCK CAPITAL) *(Name and Number of Polling Station)*

in MSANZALA - 01030051 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.	MUMBA AMON	INDEPENDENT	70	SEVENTY
2.	BANDA NELSON	UPND	54	FIFTY-FOUR
3.	DAKA ELIAS	UPND	29	TWENTY-NINE
4.	TEMBO PASTORD	RP	04	ZERO FOUR
5.	MWALE MAILOS	SP	13	ZERO THREE
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I further declare that a total of ..... 05 ..... ballot papers have been rejected by me as invalid and that a total of ..... 180 ..... votes were cast.

Dated this 13th day of AUGUST 20 26 Signed: .....

Witnessed by:

Name/Party	Signature	Name/Party	Signature	Name/Organisation	Signature
R.P					
UPND					
UPND					
IND	E TEMBO				
(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**

"ED 3"

GEN 20a
Regulations 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

"ED 2"

ANNOUNCEMENT OF THE RESULT OF THE POLL
PRESIDENTIAL / MEMBER OF PARLIAMENT/ MAYOR/COUNCIL CHAIRPERSON/COUNCILLOR*

I, BANDA ANTHONY being the Presiding Officer for NYAMPHANDE 2
(Presiding Officer's Name in full in BLOCK CAPITAL) *(Name and Number of Polling Station)*

in MSANZALA 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.	MUMBA AMON	INDEPENDENT	174	ONE HUNDRED SEVENTY FOUR
2.	TEMBO RASFORD	RP	84	EIGHTY SIX
3.	BANDA NELSON	NRPUP	57	FIFTY SEVEN
4.	DAKA ELIAS	UPND	24	TWENTY FOUR
5.	MWALE MALIDS	SP	12	TWELVE
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I further declare that a total of SIX (6) ballot papers have been rejected by me as invalid and that a total of THREE HUNDRED FIFTY NINE (359) votes were cast.

Dated this 13TH day of AUGUST 20 26 Signed: .....

Witnessed by:

Name/Party	Signature	Name/Party	Signature	Name/Organisation	Signature
Enoist Zulu Indep		ZELIFA NRPUP	Z. Phiri		
John UPND		EREGIN NRPUP	do		
FELIX ZULU UPND					
Inolly Nhanga SP	T. Nhanga				
(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**

"ED 4"

GEN 20a
Regulations 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, TIMOTHY MUMBA being the Presiding Officer for [illegible]
(Presiding Officer's Name in full in BLOCK CAPITAL) *(Name and Number of Polling Station)*

in MSANZALA 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.	AMON MUMBA	IND	161	ONE HUNDREND AND SIXTY ONE
2.	TEMBO LASFORD	RP	89	EIGHTY SESEN
3.	BANDA NELSON	NRPUP	47	FOURY NINE
4.	DAKA ALIAS	UPNP	29	TWENTY NINE
5.	MWALE AMAILOS	SP	16	SIX TEENY
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I further declare that a total of 25 ballot papers have been rejected by me as invalid and that a total of 368 votes were cast.

Dated this 13 day of AUGUST 2026 Signed: [illegible]

Witnessed by:

Name/Party	Signature	Name/Party	Signature	Name/Organisation	Signature
MWANZA VARST					
RP					
MWALE AARON					
IND					
EVASON PHIRI					
NRPUP					
ESTHER MWAZA					
UPND					
(Name and Signature of Agents)		(Name and Signature of Agents)		(Name and Signature of Agents)	

INSTRUCTIONS

"ED 5"

GEN 20a
Regulations 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, BCCHWANIE M. JENIPHER being the Presiding Officer for MAYONGA I -10300700 3201
(Presiding Officer's Name in full in BLOCK CAPITAL) *(Name and Number of Polling Station)*

in MSANZAKA -01039051 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.	AMON MUMBA	IND	135	ONE HUNDRED AND THIRTY FIVE
2.	NKOSA BANDA	NRPUP	55	FIFTY FIVE
3.	ELIAS DAKA	UPND	53	FIFTY THREE
4.	RASFORD TEMBO	RP	01	ZERO NINE
5.	MALOS MWAKA	SP	02	ZERO TWO
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16.				

I further declare that a total of 18 ballot papers have been rejected by me as invalid and that a total of 272 votes were cast.

Dated this 08 day of 13 20 26 Signed: .....

Witnessed by:

Name/Party	Signature	Name/Party	Signature	Name/Organisation	Signature
IND		Fenia Tembo	Tembo		
FRANK MUANZA					
GEORGE TEMBO					
PATRICK ZULU					
JUSTINA					
CHARITY PHIRI					
IND Phiri					
(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**

"ED 6"

GEN 20a
Regulations 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, BANDA SAMSTA ..... being the Presiding Officer for MALENSA .....
(Presiding Officer's Name in full in BLOCK CAPITAL) *(Name and Number of Polling Station)*

in MSAKILA ..... 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.	HAKAINDE HICHILEMA	UPND	16	SIXTEEN
2.	ELIAS DAKA	UPND	9	NINE
3.	PATRICK PHIRI	UPND	74	SEVETYFOUR
4.	MEYOR MWANZA KOSIMAS	UPND	6	SIX
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I further declare that a total of Scan ..... ballot papers have been rejected by me as invalid and that a total of 310 ..... votes were cast.

Dated this 14 ..... day of AUGUST ..... 20 26 Signed: .....

Witnessed by:

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

INSTRUCTIONS

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*Delete where inapplicable

"ED 7"

GEN 20a
Regulations 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, ... being the Presiding Officer for MISOLO - 02
(Presiding Officer's Name in full in BLOCK CAPITAL) *(Name and Number of Polling Station)*

in MSANZALA - 0103005 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.	DAKA ELIAS	UPND	199	ONE HUNDRED AND NINETY-NINE
2.	AMON MUMBA	IND	132	ONE HUNDRED AND THIRTY-TWO
3.	BANDA NELSON	NRPUP	68	SIXTY - EIGHT
4.	MWALE MAILOS	SP	03	THREE
5.	TEMBO RASFORD	KP	03	THREE
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I further declare that a total of 11 ballot papers have been rejected by me as invalid and that a total of 416 votes were cast.

Dated this 13TH day of AUGUST 20 26 Signed: .....

Witnessed by:

Name/Party	Signature	Name/Party	Signature	Name/Organisation	Signature
INESS BANDA NRPUP					
DAVID CHIKWE NRPUP		Bennett Nelson NRPUP			
LUCIA SAKALA SP	L. SAKALA				
NTHELE SHEPARD UPND					
PHILEMON TEMBO IND	P. Tembo				
COSMA BANDA IND					
MIRIAM PHIRI UPND					
RAPHAEL PIMA NRPUP	R. PIMA				
(Name and Signature of Agents)		(Name and Signature of Agents)		(Name and Signature of Agents)	

INSTRUCTIONS

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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.
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***Delete where inapplicable**