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

2026/HP/EP/019

IN THE MATTER OF: THE PARLIAMENTARY ELECTION PETITION FOR LUBANSENSHI CONSTITUENCY SITUATE IN LUWINGU DISTRICT OF THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026

IN THE MATTER OF: ARTICLE 73 (1) & 54 OF THE CONSTITUTION OF OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2026

IN THE MATTER OF: SECTION 70 ELECTORAL PROCESS ACT NUMBER 35 OF 2016 AND THE ELECTORAL PROCESS (GENERAL) REGULATIONS, 2016

IN THE MATTER OF: SECTION 89 OF ELECTORAL PROCESS ACT NUMBER 35 OF 2016

IN THE MATTER OF: SECTIONS 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT N0. 35 OF 2016

IN THE MATTER: THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016

BETWEEN:

CHEWE KABWE TAULO — PETITIONER

AND

GEORGE K. MWAMBA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
04 SEP 2026
PRINCIPAL REGISTRY
P.O. BOX 50067, LUSAKA

1ST RESPONDENT'S AFFIDAVIT IN OPPOSITION TO THE PETITION

I, George Mwamba, a Zambian national of House No. 6 Lupili Compund, Luwingu District, in the Northern Province of the Republic of Zambia do hereby make OATH and SAY that:

1. My full name, nationality and address are as set out above.

2. I am the 1st Respondent in this matter and therefore competent depose to this affidavit in opposition to the Petitioner's petition which seeks to challenge my election as Member of Parliament for Lubansenshi Constituency.

3. I have read the Petitioner's petition and affidavit verifying facts and respond thereto as below.

4. I do not dispute the contents of paragraphs 1 to 7 of the Petitioner's affidavit.

5. The contents of paragraphs 8, 9, 10 and 11 of the Petition are matters within the peculiar knowledge of the Petitioner. I am, however, aware that there was no coercion or undue influence exerted upon any of the candidates' agents to sign the GEN 20 Forms. Each candidate's agent signed the GEN 20 Forms voluntarily and after the requisite procedures had been duly complied with by the 2nd Respondent and all other relevant stakeholders.

6. In response to paragraph 12 of the Petitioner's affidavit, I deny having engaged with my agents in any illegal practices such as undue influence, threats, intimidation, or campaigning on the polling day.

7. Contrary to paragraph 13 of the Petitioners affidavit, I did not engage in campaigning on the poling day and none of my agents engaged in any campaigning at all.

8. In response to paragraph 14 of the Petitioner's Affidavit, I vehemently deny telling the voters that the UNPD is a finished party and that it would be returning to opposition. I further deny chanting any slogan with my agents or chanting any slogan at all.

9. I vehemently deny the contents of paragraph 15 of the Petitioners affidavit. On the polling day, my agents did not play any NRPUP campaign song within the premises of any Polling Station, or at all.

10. The contents of Paragraph 16 of the Petitioner's affidavit are denied. The results tallied and announced by the 2nd Respondent are a true and correct reflection of the votes which I obtained during the election.

11. The contents of paragraph 17 of the Petitioner's Affidavit are denied. The sorting and counting of the ballot papers were conducted accurately at all polling stations in the presence of the agents of each candidate who were present. Accordingly, there was no basis or need for a recount, as all the prescribed procedures were duly followed by the 2nd Respondent and all other stakeholders involved in the electoral process.

12. In response to paragraph 18 of the Petitioner's affidavit, I vehemently deny that I was irregularly declared as the winner of the 13th August, 2026 parliamentary election for Lubansenshi Constituency. I further wish to state that the votes were properly counted and totalled in the presence of representatives of the candidates without violence and intimidation.

11. I depose to the above information verily believing the same to be true and correct to the Best of my knowledge.

SWORN by the said George Mwamba)
At Lusaka this _____ day of September 2026)

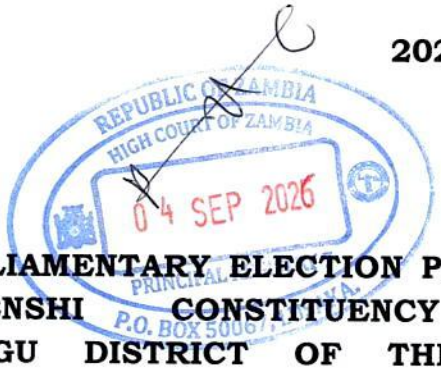
_____
Deponent

BEFORE ME: _____
COMMISSIONER FOR OATHS



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

2026/HP/EP/019



IN THE MATTER OF: **THE PARLIAMENTARY ELECTION PETITION FOR LUBANSENSHI CONSTITUENCY SITUATE INLUWINGU DISTRICT OF THE NORTHEN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST, 2026**

IN THE MATTER OF: **ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

IN THE MATTER OF: **SECTION 70 ELECTORAL PROCESS ACT NUMBER 35 OF 2016 AND THE ELECTORAL PROCESS (GENERAL) REGULATIONS, 2016**

IN THE MATTER OF: **SECTION 83 ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

IN THE MATTER OF: **SECTION 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016**

IN THE MATTER OF: **THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

BETWEEN:

CHEWE KABWE TAULO — **PETITIONER**

AND

GEORGE K. MWAMBA — **1ST RESPONDENT**

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

AFFIDAVIT OF SERVICE

I, **NKUMBU SIMBAYA,** a Zambian National of Mapepe, Chilanga District and Lusaka Province of the Republic of Zambia **DO HEREBY MAKE OATH AND SAY** as follows: -

1. That my full names, nationality, and residential address are as stated out above.

2. That I am employed as a Legal Assistant at Kamwi Andeleki Legal Practitioners and by such reason, competent to swear to this Affidavit based on my personal knowledge and belief.

3. That on the 31st day of August, 2026, I did cause to be served on the 1st Respondent an Election Petition, Affidavit Verifying Facts, List of Authorities and Skeleton Arguments, who did acknowledge receipt, there is now produced and shown to me exhibit marked **"NS 1"** being a true copy of the acknowledgement of service.

4. That I depose to the above facts verily believing the same to be true and correct in every respect to the best of my knowledge.

SWORN by the said)
NKUMBU SIMBAYA at Lusaka)
This 4th day of Sept 2026) **DEPONENT**

MAJOR PATRICK MPUNDU
LLB,LLM,AHCZ,ASCZ
Legal Practitioner
COMMISSIONER OF OATHS

BEFORE ME: _____

COMMISSIONER FOR OATH

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/019**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF:	**THE PARLIAMENTARY ELECTION PETITION FOR LUBANSENSHI CONSTITUENCY SITUATE INLUWINGU DISTRICT OF THE NORTHEN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST, 2026**
IN THE MATTER OF:	**ARTICLE 73(1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**
IN THE MATTER OF:	**SECTION 70 ELECTORAL PROCESS ACT NUMBER 35 OF 2016 AND THE ELECTORAL PROCESS (GENERAL) REGULATIONS, 2016**
IN THE MATTER OF:	**SECTION 83 ELECTORAL PROCESS ACT NUMBER 35 OF 2016**
IN THE MATTER OF:	**SECTION 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016**
IN THE MATTER OF:	**THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

BETWEEN:

CHEWE KABWE TAULO **PETITIONER**

AND

GEORGE K. MWAMBA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

CERTIFICATE OF EXHIBITS

This is the exhibit marked **"NS 1"** referred to in the Affidavit of Service deposed by one **NKUMBU SIMBAYA** filed herein.

Dated 4th day of [signature] 2026

MAJOR PATRICK MPUNDU
LLB,LLM,AHCZ,ASCZ
Legal Practitioner
COMMISSIONER OF OATHS

BEFORE ME: _____

COMMISSIONER FOR OATH

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

2026/HP/EP/ 019

IN THE MATTER OF: **THE PARLIAMENTARY ELECTION PETITION FOR LUBANSENSHI CONSTITUENCY SITUATE IN LUWINGU DISTRICT OF THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026**

IN THE MATTER OF: **ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

IN THE MATTER OF: **SECTION 69 AND 70 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016 AS READ WITH THE ELECTORAL PROCESS (GENERAL) REGULATIONS, 2016**

IN THE MATTER OF: **SECTION 89 ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

IN THE MATTER OF: **SECTIONS 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

IN THE MATTER OF: **THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

BETWEEN:

CHEWE KABWE TAULO **PETITIONER**

AND

GEORGE K. MWAMBA **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.

AFFIDAVIT VERIFYING FACTS IN ELECTION PETITION

I, **CHEWE KABWE TAULO** a Zambian national and businessman, ordinarily resident at Plot G907, Ndeke Village in the Kitwe District of the Copperbelt Province of the Republic of Zambia do **HEREBY MAKE OATH** and **SAY** as follows:

1. That my name, nationality and address are as stated above.
2. That I am a Petitioner herein and by virtue thereof I am competent to swear this Affidavit from matters within my own personal knowledge and belief.

3. That I was a Parliamentary candidate for Lubansenshi Constituency in the 2026 General Elections.
4. That the elections were held on 13th August, 2026 and I was adopted by the United Party for National Development (UPND). The 1st Respondent contested under the National Reconciliation Party for Unity and Prosperity (NRPUP).
5. That two political parties and an independent candidate validly filed their nominations for the said election, namely: the United Party for National Development (UPND) whose candidate was myself (male); the National Reconciliation Party for Unity and Prosperity (NRPUP) whose candidate was George K. Mwamba (male); and Innocent M. Kolala an Independent Candidate. That now produced and shown to me marked **"CKT 1"** is a copy of the Record of Proceedings to that effect.
6. That after voting, the Returning Officer declared the following results:
   (a) **George K. Mwamba** of the National Reconciliation Party for Unity and Prosperity (NRPUP) received 4,312 votes;
   (b) **Innocent Mulenga Kolala,** Independent (IND) received 4,301;
   (c) **Chewe Kabwe Taulo** of the United Party for National Development (UPND) received 2,010 votes;
   (d) 349 votes were rejected as invalid;
   (e) Total number of votes cast were 10972. Now produced and shown to me marked **"CKT 2"** is a true copy of the Declaration of Results Form.
7. That consequently, on the 15th of August, 2026, the 2nd Respondent through the Returning Officer declared the 1st Respondent as the duly elected Member of Parliament for Lubansenshi Constituency.
8. That at the time of counting and announcement of provisional results, my Polling Agents made objection to the inaccuracy in the counting of votes in 16 polling stations.
9. That the 16 polling stations stated in paragraph 9 include Misambula, Chifwile, Mukanga, Makumba, Njoko, Mwingilila, Shimumbi 1, Shimumbi

2, Kandata, Kasunga, Kapili, Nsolo, Fikoni, Malekani, Palangoto and Kaseya.

10. That at the close of the polls, my polling agents were told to sign the Gen 20 Forms by the Presiding Officers despite their objection to the counting of votes and announcement of provisional results.
11. That my Polling agents brought the irregularities in the electoral process to the attention of the Returning Officers but he and his agents were told to go to Court if they had any grievance.
12. That the 1st Respondent and his agents engaged in illegal practices of undue influence and campaigning during the voting process at various Polling Stations.
13. That the 1st Respondent, his agents and Polling Agents were seen telling voters during the election day to vote for him at Misambula Polling station.
14. That at Kalingeme, Polling Station, the 1st Respondent and his agents were heard telling voters that UPND is a finished Party and they are going back to Opposition while chanting slogans such as ***"ukuya kwena muleya elo muleya set" and vote nipali Penda, wapa lampi and even flashing the symbol."***
15. That at Bulambo Polling Station, the 1st Respondents agents were playing campaign songs for NRPUP within the premises of the Polling Station.
16. That due to the inaccurate and improper sorting and counting of ballot papers the results tallied and announced by the 1st Respondent are not the true and correct reflection of the votes which I obtained during the election.
17. That from the announced results, the difference in votes between 1st Respondent and myself was a margin of 2,302 which was not the correct position as sorting and counting of ballot papers in 16 polling stations was improperly and irregularly conducted and a recount should have been allowed by the Presiding Officers and the Returning Officer.

18. That since the declaration of the 1st Respondent as winner of the 13th August, 2026 election for Lubansenshi Constituency was premised on irregularly counted votes, violence and intimidation, the 1st Respondent through the Returning Officer failed to perform his duties as mandated by the Electoral Process Act.
19. That in respect of the above, I have been advised by my Advocates and believe the same to be true that the conduct of the 1st and 2nd Respondents is wrongful and the same, contravened the electoral rules as such, renders the election of the Respondent as Member of Parliament for Lubansenshi Constituency void and I seek, the reliefs stated in my Petition.
20. That the contents of this my Affidavit are true and correct to the best of my knowledge and belief.

SWORN by the said)

CHEWE KABWE TAULO)

at Lusaka this 28 day of)

August 2026)

DEPONENT

BEFORE ME:.....

COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
CERTIFIED TRUE COPY OF THE ORIGNAL
28 AUG 2026
CLERK OF COURT
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF: **THE PARLIAMENTARY ELECTION PETITION FOR LUBANSENSHI CONSTITUENCY SITUATE IN LUWINGU DISTRICT OF THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026**

IN THE MATTER OF: **ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

IN THE MATTER OF: **SECTION 69 AND 70 ELECTORAL PROCESS ACT NUMBER 35 OF 2016 AS READ WITH THE ELECTORAL PROCESS (GENERAL) REGULATIONS, 2016**

IN THE MATTER OF: **SECTION 89 ELECTORAL PROCESS ACT NUMBER 35 OF 2016**

IN THE MATTER OF: **SECTIONS 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016**

IN THE MATTER OF: **THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016**

BETWEEN:

CHEWE KABWE TAULO **PETITIONER**

AND

GEORGE K. MWAMBA **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 the exhibits marked **"CKT1" and "CKT2"** referred to in the Affidavit verifying Facts in Election Petition deposed by on **CHEWE KABWE TAULO** filed herein.

Dated at this 28th **day of** Aug **2026**

BEFORE ME:_____
COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
CERTIFIED TRUE COPY OF THE ORIGNAL
2? AUG 2026
CLERK OF COURT
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
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2026/HP/EP/019

IN THE MATTER OF: THE PARLIAMENTARY ELECTION PETITION FOR LUBANSENSHI CONSTITUENCY SITUATE IN LUWINGU DISTRICT OF THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026

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BETWEEN:

CHEWE KABWE TAULO — PETITIONER

AND

GEORGE K. MWAMBA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT



1ST RESPONDENT'S ANSWER

The 1st Respondent responds as follows to the Petitioner's petition:

1. Paragraphs 1 to 4 of the petition are not in contention.

2. The 1st Respondent admits paragraph 5 and states that he was duly elected and therefore his declaration as winner was lawful.

3. The 1st Respondent vehemently denies paragraph 6 of the petition and the Petitioner shall be put to strict proof. The 1st Respondent states that he was duly elected as Member of Parliament for Lubansenshi Constituency and that his election was in compliance with all relevant provisions of the Constitution of the Republic of Zambia and the Electoral Process Act No. 35 of 2016.

4. Paragraph 8 of the Petition is denied, and the Petitioner will be put to strict proof thereof. The 1st Respondent states that there was no basis or justification for a recount to be conducted. The election was conducted in accordance with the provisions of the law, and each candidate's agent freely and voluntarily signed the GEN 20 Forms. There were no irregularities or other circumstances that warranted a recount.

5. Paragraph 9 of the petition is denied, and the Petitioner will be put to strict proof. The 1st Respondent states that he did not at any point engage in any of the alleged illegal practices, whether directly by himself or indirectly through any of his agents and polling agents.

6. The 1st Respondent categorically denies having engaged with his agents in acts of undue influence, threats, intimidation, violence or campaigning at polling stations in the wards within the constituency, or at all. The 1st Respondent states that he conducted his campaigns in a cordial and peaceful manner and did not engage in any campaigns on the polling day, whether directly by himself or through his agents.

7. Paragraph 10 of the petition is denied and the petitioner will be put to strict proof. The 1st Respondent states that the results were counted and totalled at each polling station in the presence of the candidates' representatives. And the 1st Respondent further states that his election was valid and a true reflection of the voters in Lubansenshi Constituency. For this reason, the Petitioner is not entitled to any of the reliefs sought under paragraph 11 of the Petition.

Dated at Lusaka this _____ day of _____ 2026

Signed _____

1st Respondent

This Answer was prepared and filed by: Messrs. Emmanuel & Onesimus Legal Practitioners of Villa 38 Millennium Village, Off Birdcage Road, Long Acres, P.O. Box 51128, Lusaka – Advocates for the 1st Respondent.

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

2026/HP/EP/ 019

IN THE MATTER OF: **THE PARLIAMENTARY ELECTION PETITION FOR LUBANSENSHI CONSTITUENCY SITUATE IN LUWINGU DISTRICT OF THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026**

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BETWEEN:

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

CHEWE KABWE TAULO **PETITIONER**

AND

GEORGE K. MWAMBA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

PETITIONER'S SKELETON ARGUMENTS IN SUPPORT OF ELECTION PETITION

MAY IT PLEASE THIS HONOURABLE COURT these are the Petitioner's Skeleton Arguments in Opposition to the election petition challenging the declaration of the 1st Respondent as being duly elected.

LEGISLATION

1. The Constitution of Zambia;
2. The Electoral Process Act No. 35 of 2016;
3. The High Court (Election Petition) Rules, 2026.

CASES

1. Anderson Kambela Mazoka & Others v Mwanawasa & 2 Others (SCZ EP 1 of 2002; SCZ EP 2 of 2002) [2018] ZMSC 391;
2. Lewanika & Others v Frederick Jacob Titus Chiluba (Constitutional Jurisdiction) (S.C.Z. Judgment 14 of 1998) [1998] ZMSC 11;
3. Nkandu Luo & Another v Mwamba & Another (Appeal 10 of 2016) [2018] ZMCC 254 (16 November 2018);

1.0 PREFACE

1.1 By way of background, the Petitioner commenced this matter against the Respondents claiming for the following reliefs:

i. **An order to conduct a recount of the votes in the said election;**
ii. **An order that the 1st Respondent was not duly elected as Member of Parliament for Lubansenshi Constituency;**
iii. **A declaration that the election of the 1st Respondent as Member of Parliament for Lubanseshi Constituency was null and void;**
iv. **A declaration that CHEWE KABWE TAULO was duly elected Member of Parliament for Lubansenshi Constituency should recount confirm that he received the majority of votes;**
v. **Costs;**
vi. **Any other relief the Court may deem fit.**

1.2 The facts alleged by the Petitioner have been stated in the Affidavit Verifying Facts and we shall rely on the same.

3.0 The Law

3.1 My Lady/ Lord, the Petitioner moves this Honourable Court pursuant to the provisions of **Article 73 of the Constitution of Zambia Chapter 1 of the Laws 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."

3.2 My Lady/ Lord, Section 97 (1) & (2) of the Electoral Process Act provides as follows:

"(1) An election of a candidate as a Member of Parliament, mayor, council chairperson or councillor shall not be questioned except by an election petition presented under this Part.

(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"

3.3 My Lady/ Lord, it is clear that this Honourable Court is clothed with jurisdiction to hear and determine a Petition challenging an election of a member of parliament.

3.4 Section 99 of the Electoral Process Act provides for the reliefs available and provides as follows:

"Any of the following reliefs may be claimed in an election petition:
***(a)* a declaration that the election was void; or**
***(b)* a declaration that any candidate was duly elected."**

3.5 My Lady/Lord, section 69 of the Electoral Process Act provides:

69 (1) An election or polling agent may object to any alleged irregularity in the sorting of the ballot papers.
(2) An objection under subsection (1) shall be made to the made to a presiding officer, in the prescribed, at any stage before the presiding officer has commenced the count.

3.6 Further, section 70(1) of the Electoral Process Act provides as follows:

"An election or polling agent may object to an alleged inaccuracy in the counting of the votes or the announcement of a result under section seventy-one."

3.7 My Lady, the Petitioner brought the objections on sorting of ballot papers, counting of votes and announcement to the attention of the Presiding Officer and Returning Officer which warrants a recount.

3.8 My Lady/ Lord, Section 89 (1) (e), of the Electoral Process Act provides as follows:

"On any polling day, at the entrance to or within a polling station, or in any public place or in any private place within four hundred metres from the entrance to such polling station

(i) canvass for votes;

(ii) solicit the vote of any person;

(iii) induce any person not to vote; or

(iv) induce any person not to vote for a particular candidate;"

3.9 My Lady/ Lord, in the case of **Nkandu Luo & Another v Mwamba & Another (Appeal 10 of 2016) [2018] ZMCC 254** it was held as follows:

"In addition to proving the electoral malpractice or misconduct alleged, 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."

3.10 Article 54 of the Constitution of Zambia Chapter 1 of the Laws of Zambia Provides that:

"A candidate and a political party shall comply with a prescribed electoral code of conduct"

3.11 The breaches referred to herein before created an environment unconducive for a free and fair election.

3.12 In the case of **Anderson Kambela Mazoka & Others v Mwanawasa & 2 Others (SCZ EP 1 of 2002; SCZ EP 2 of 2002) [2018] ZMSC 391** it was held as follows:

"The standard of proof must depend on the allegations pleaded. Given the national character of the exercise where all the votes in the country form a single electoral college, the proven defects must be such that the majority of the voters are prevented from electing the candidate whom they preferred; or that the election is so flawed that the defects seriously affect the result which can no longer reasonably be said to represent the true free choice and free will of the majority of the voters.

As regards burden of proof, the evidence adduced must establish the issues raised to a fairly high degree of convincing clarity."

3.13 **My Lady/ Lord**, in the case of **Lewanika & Others v Frederick Jacob Titus Chiluba (Constitutional Jurisdiction) (S.C.Z. Judgment 14 of 1998) [1998] ZMSC 11** it was held as follows:

"that it cannot be seriously disputed that parliamentary elections petition have generally long required to be proved to a standard higher than on a mere balance of probability. It follows, therefore, that in this case where the petition has been brought under constitutional provisions and would impact upon the governance of the nation and the deployment of the constitutional power and authority, no less a standard of proof is required. It follows also the issues raise are required to be established to a fairly high degree of convincing clarity."

3.14 **My Lady/ Lord**, the Petitioner has advanced serious allegations of unfair and illegal practices instigated by the 1st Respondent, the 2nd Respondent and failure to take action on a request for a recount. It is our contention that had recounts been conducted in the areas where the objections were raised, the Petitioner would have gotten more votes and would have come out first and declared winner.

3.15 **My Lady/ Lord,** the burden of proof rests on the Petitioner to prove the allegations advanced. In view of the evidence presented, it is clear that there is convincing clarity from the issues raised to warrant a recount of the affected polling stations and a declaration that the Petitioner was duly elected. The said allegations of breaches to the Electoral Process Act are grave and, in the alternative, the election should be nullified.

4.0 CONCLUSION

My Lady/ Lord, due to the submissions hereinbefore, we submit that the Petitioner be granted the reliefs as prayed for.

WE HUMBLY SUBMIT

Dated at Lusaka this day of 2026

Drawn by: .....

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ADVOCATES FOR THE PETITIONER

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

2026/HP/EP/019

IN THE MATTER OF: THE PARLIAMENTARY ELECTION PETITION FOR LUBANSENSHI CONSTITUENCY SITUATE IN LUWINGU DISTRICT OF THE NORTHERN PROVINCE OF THE REPUBLIC OF ZAMBIA HELD ON 13TH AUGUST 2026

IN THE MATTER OF: ARTICLE 73 (1) & 54 OF THE CONSTITUTION OF OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2026

IN THE MATTER OF: SECTION 70 ELECTORAL PROCESS ACT NUMBER 35 OF 2016 AND THE ELECTORAL PROCESS (GENERAL) REGULATIONS, 2016

IN THE MATTER OF: SECTION 89 OF ELECTORAL PROCESS ACT NUMBER 35 OF 2016

IN THE MATTER OF: SECTIONS 97, 98 AND 99 OF THE ELECTORAL PROCESS ACT N0. 35 OF 2016

IN THE MATTER: THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016

BETWEEN:

CHEWE KABWE TAULO — PETITIONER

AND

GEORGE K. MWAMBA — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

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

1ST RESPONDENT'S SKELETON ARGUMENTS AND LIST OF AUTHORITIES TENDERED IN OPPOSITION TO THE PETITION

IF IT MAY PLEASE THE HONOURABLE COURT, these are the skeleton arguments and list of authorities in opposition to the Petition.

A. LIST OF AUTHORITIES

i. Austin Liato v Sitwala Sitwala Selected Judgment No. 23 of 2018;

ii. Brelsford James Gondwe v Catherine Namugala SCZ Appeal No. 175 of 2012;

iii. Nkandu Luo and Another v Doreen Sefuke Mwamba and Another CCZ Selected Judgment No. 51 of 2018; and

iv. Section 97 of the Electoral Process Act No. 35 of 2026

B. SKELETON ARGUMENTS

1. The starting point to a parliamentary election petition is **Section 97 of the Electoral Process Act No. 35 of 2026**. The same provides as follows:

> *97. (1) An election of a candidate as a Member of Parliament, mayor, council chairperson or councillor shall not be questioned except by an election petition presented under this Part.*
>
> *(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.*
>
> *(3) Despite the provisions of subsection (2), where, upon the trial of an election petition, the High Court or a tribunal finds that a corrupt practice or illegal*

practice has been committed by, or with the knowledge and consent or approval of, any agent of the candidate whose election is the subject of such election petition, and the High Court or a tribunal further finds that such candidate has proved that—

(a) a corrupt practice or illegal practice was not committed by the candidate personally or by that candidate's election agent, or with the knowledge and consent or approval of such candidate or that candidate's election agent;

(b) such candidate and that candidate's election agent took all reasonable means to prevent the commission of a corrupt practice or illegal practice at the election; and

c) in all other respects the election was free from any corrupt practice or illegal practice on the part of the candidate or that candidate's election agent; the High Court or a tribunal shall not, by reason only of such corrupt practice or illegal practice, declare that election of the candidate void.

(4) An election shall not be declared void by reason of any act or omission by an election officer in breach of that officer's official duty in connection with an election if it appears to the High Court or a tribunal that the election was so conducted as to be substantially in accordance with the provisions of this Act, and that such act or omission did not affect the result of that election.

2. The above provision sets out the grounds for petitioning a parliamentary election and the threshold to be surmounted by the petitioner in order for the election to be overturned. The Constitutional Court has pronounced itself on this provision in a number of cases.

3. In the case of **Nkandu Luo and Another v Doreen Sefuke Mwamba and Another CCZ Selected Judgment No. 51 of 2018**, the Constitutional Court stated as follows:

As earlier stared, we have, in unequivocal terms, stated our position on the above provisions. In order for a petitioner to successfully have an election annulled pursuant to section 97(2)(a), 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 agents, 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.

Sections 81 to 95 in Part VIII of the Act and also relevant provisions of the Electoral Code of Conduct outline the corrupt or illegal practices or misconduct in the electoral process.

In addition to proving the electoral malpractice or misconduct alleged, 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.

4. Further, in the case of **Austin Liato v Sitwala Sitwala Selected Judgment No. 23 of 2018**, the Constitutional Court stated as follows:

> *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.*

5. Furthermore, regarding the standard of proof expected in a parliamentary election petition, the Constitutional Court in the above cited ***Nkandu Luo case*** cited with approval the following passage:

> *we wish to assert that it cannot be seriously disputed that parliamentary election petitions have generally long required to be proved to a standard higher than on a mere balance of probability. It follows, therefore, that in this case where the petition has been brought under Constitutional provisions and would impact upon the governance of the nation, no less a standard of proof is required. It follows also that the issues raised are required to be established to a fairly high degree of convincing clarity.*

6. As regards the burden of proof, the Supreme Court in the case of **Brelsford James Gondwe v Catherine Namugala SCZ Appeal No. 175 of 2012** stated as follows:

> *The burden of establishing any one of 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 ground(s) must be established to the required standard in election petitions namely a fairly high degree of convincing clarity.*

7. Based on the position of the law espoused in these authorities, the 1st Respondent submits that he was validly elected as Member of Parliament for Lima Constituency and this petition must be dismissed. This is on account of the following:

   i. The 1st Respondent did not commit any corrupt practice, illegal practice or other misconduct in connection with the election, or at all. Neither was any such conduct committed by anyone with the 1st Respondent's or the 1st Respondent's agents' consent or approval.

   ii. the majority of voters in Lima constituency were not prevented by anyone from electing the candidate they preferred.

iii. The election was conducted in compliance with the law.

iv. The Petitioners allegations of irregularities on the part of the 2nd Respondent's officers, if at all, had no bearing on the election outcome.

8. In the premises, we urge the honourable court to dismiss this petition, with costs.

Most obliged.

Dated at Lusaka this _____ day of _____ 2026

These Skeleton Arguments were prepared and filed by: Messrs. Emmanuel & Onesimus Legal Practitioners of Villa 38 Millennium Village, Off Birdcage Road, Long Acres, P.O. Box 51128, Lusaka – Advocates for the 1st Respondent.