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

2026/HP/EP/0035



IN THE MATTER OF: **ARTICLES 47(2), 51, 54, 68, 72(2)(c), 73(1) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA**

AND
IN THE MATTER OF: **SECTIONS 81, 89, 97(1), 98(c), 99, 100(2)(a) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016**

AND
IN THE MATTER OF: **CODE OF CONDUCT RULES 12, 15(a), (h), (k)**

AND
IN THE MATTER OF: **VUBWI CONSTITUENCY ELECTIONS HELD IN ZAMBIA ON THE 13TH DAY OF AUGUST, 2026**

AND
IN THE MATTER OF: **RULE 9(1) OF THE HIGH COURT (ELECTION PETITION) RULES 2026, STATUTORY INSTRUMENT NO. 31 OF 2026**

AND
IN THE MATTER OF: **RULE 10(1) OF THE HIGH COURT (ELECTION PETITION) RULES 2026, STATUTORY INSTRUMENT NO. 31 OF 2026**

BETWEEN:
ACKLEO I. BANDA **PETITIONER**
AND
MARGARET MITI **1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

SUMMONS TO DISMISS THE PETITION FOR IRREGULARITY

(Pursuant to Rule 17 of the High Court (Election Petition) Rules, 2026, Statutory Instrument No. 31 of 2026 and Section 100(3) of the Electoral Process Act No. 35 of 2016)

LET COUNSEL FOR THE PARTIES attend before the **Honourable Justice** ..... in chambers on the ..... day of ..... 2026 at ..... o'clock in the ..... noon or so soon thereafter for the hearing of an application on behalf of the 1st Respondent, MARGARET MITI, for the following orders:

1. THAT the Petition herein be dismissed for irregularity and/or want of jurisdiction, having been presented outside the fourteen (14) days prescribed by section 100(3) of the Electoral Process Act No. 35 of 2016; and

2. THAT the costs be borne by the Petitioner;

Dated at Lusaka this _____ day of _____ 2026.

Per:

Messrs Lungu Ngaba & Company
Plot No. 14, Kasangula Road,
Roma
P.O. Box 249
Email: info@lnclegal.co.zm
LUSAKA

Advocates for the 1st Respondent

TO: **Messrs Muleza Mwiimbu and Company**
Plot No. 3796, Ngwerema Close
Off Kwacha Road
Olympia
Email: mulezamwiimbu@gmail.com
LUSAKA

Advocates for the Petitioner

The Legal Counsel
Electoral Commission of Zambia
Election House, Haile Selassie Avenue
Longacres
P.O. Box 50274
LUSAKA

Advocates for the 2nd Respondent



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

2026/HP/EP/0035

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

IN THE MATTER OF:	**ARTICLES 47(2), 51, 54, 68, 72(2)(c), 73(1) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA**
AND IN THE MATTER OF:	**SECTIONS 81, 89, 97(1), 98(c), 99, 100(2)(a) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016**
AND IN THE MATTER OF:	**CODE OF CONDUCT RULES 12, 15(a), (h), (k)**
AND IN THE MATTER OF:	**VUBWI CONSTITUENCY ELECTIONS HELD IN ZAMBIA ON THE 13TH DAY OF AUGUST, 2026**
AND IN THE MATTER OF:	**RULE 9(1) OF THE HIGH COURT (ELECTION PETITION) RULES 2026, STATUTORY INSTRUMENT NO. 31 OF 2026**
AND IN THE MATTER OF:	**RULE 10(1) OF THE HIGH COURT (ELECTION PETITION) RULES 2026, STATUTORY INSTRUMENT NO. 31 OF 2026**

BETWEEN:

ACKLEO I. BANDA	**PETITIONER**
AND	
MARGARET MITI	**1ST RESPONDENT**

AFFIDAVIT IN SUPPORT OF SUMMONS TO DISMISS THE PETITION FOR IRREGULARITY

I, MARGARET MITI, of Plot No. 3142, Kalongwezi, Chipata, in the Eastern Province of the Republic of Zambia, DO HEREBY make OATH and SAY as follows:

1. That my full particulars are as stated above.
2. That I am a Zambian national.
3. That I am the 1st Respondent in this matter and hence competent to swear this my affidavit from my personal knowledge, and from advice given to me by my Advocates, whose advice I verily believe to be correct.

4. That I was a candidate in the Vubwi Constituency parliamentary election held on the 13th day of August, 2026, and I was declared duly elected Member of Parliament for Vubwi Constituency.

5. That the Returning Officer duly declared the results of the said election, declaring me duly elected Member of Parliament for Vubwi Constituency, on 15th August 2026. There is now produced and shown to me, exhibited and marked **"MM1"**, a copy of the declaration of the results of the said election, dated 15th August 2026.

6. That the Petition herein was presented on the 31st day of August 2026, as shown by the receipt stamp of the Principal Registry of the High Court for Zambia bearing the date "31 AUG 2026" endorsed on the Petition and Affidavit Verifying Petition as the record will show.

7. That the Petition itself discloses, at paragraph 2 thereof, that the Returning Officer declared the 1st Respondent duly elected on 15th August 2026.

8. That, the result of the election for Vubwi Constituency having been duly declared by the Returning Officer on 15th August 2026, the fourteenth and last day for presentation of the Petition was 29th August 2026.

9. That the Petition was presented on 31st August 2026, the sixteenth day after the declaration, two (2) days outside the prescribed period, and was accordingly presented outside the fourteen (14) days prescribed.

10. That by reason of the matters deposed to hereinabove, I verily believe the Petition is incompetently before this Honourable Court and that this Honourable Court is divested of jurisdiction to hear and determine the same.

11. That I depose to the contents of this my affidavit, verily believing the same to be true and correct to the best of my knowledge, information and belief.

SWORN by the said)
MARGARET MITI)
at Lusaka this 08 day)
of SEP 2026)

DEPONENT

BEFORE ME: .....

COMMISSIONER FOR OATHS

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

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/0035**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF:	**ARTICLES 47(2), 51, 54, 68, 72(2)(c), 73(1) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA**
AND	
IN THE MATTER OF:	**SECTIONS 81, 89, 97(1), 98(c), 99, 100(2)(a) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016**
AND	
IN THE MATTER OF:	**CODE OF CONDUCT RULES 12, 15(a), (h), (k)**
AND	
IN THE MATTER OF:	**VUBWI CONSTITUENCY ELECTIONS HELD IN ZAMBIA ON THE 13TH DAY OF AUGUST, 2026**
AND	
IN THE MATTER OF:	**RULE 9(1) OF THE HIGH COURT (ELECTION PETITION) RULES 2026, STATUTORY INSTRUMENT NO. 31 OF 2026**
AND	
IN THE MATTER OF:	**RULE 10(1) OF THE HIGH COURT (ELECTION PETITION) RULES 2026, STATUTORY INSTRUMENT NO. 31 OF 2026**

BETWEEN:	
ACKLEO I. BANDA	**PETITIONER**
AND	
MARGARET MITI	**1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

CERTIFICATE OF EXHIBITS

This is the exhibit marked **"MM1"** referred to in the Affidavit of **MARGARET MITI**.

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

BEFORE ME: .....

COMMISSIONER FOR OATHS

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

"MM 1"

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, SAKALA MARTIN JOSAT being the Returning Officer for VUBWI Constituency, VUBWI 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)
MITI Margaret	NRPUP	7,183	Seven Thousand One Hundred and Eighty-Three
BANDA I Ackleo	UPND	6,397	Six Thousand Three Hundred and Ninety-Seven
BANDA P Alex	UPPZ	204	Two Hundred and Four
ZULU Bathromew	PP	152	One Hundred and Fifty-Two

I further declare that a total of 400 ballot papers have been rejected as invalid and that a total of 14,336 Votes were cast.

I therefore declare that the said MITI Margaret to be this day duly elected as Member of Parliament for VUBWI Constituency.

Dated this 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Boniface Dr	ZEGGI	[signature]			
Benjamin PHR	UPND	B. PHR			
John Sakala	Camtas	[signature]			
Moale Thomas	NRPUP	[signature]			
Banda Nebert	IND	[signature]			
Miti Gwen	UPND	[signature]			

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.

"MM 2"

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

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

ANNOUNCEMENT OF THE RESULTS OF THE POLL AT THE TOTALING - Presidential

I, SAKALA MARTIN JOSAT being the Returning Officer for VUBWI Presidential, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said Presidential and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
MUNDUBILE M Brian	NRPUP	7,239	Seven Thousand Two Hundred and Thirty-Nine
HICHILEMA S Hakainde	UPND	5,863	Five Thousand Eight Hundred and Sixty-Three
KATUTA Given	IND	126	One Hundred and Twenty-Six
BWALYA F Kelvin	ZMP	122	One Hundred and Twenty-Two
CHUNGU F Xavier	LDP	79	Seventy-Nine
CHANSA M Given	MEE	55	Fifty-Five
M'MEMBE Fred	SP	55	Fifty-Five
MUSHIMBA Brian	OPP	44	Forty-Four
KALABA Harry	CF	33	Thirty-Three
SILUMBE Richard	LM	19	Nineteen
KUNDA Howard	ZAWAPA	16	Sixteen
NJOBVU A Ackim	DU	13	Thirteen
SIAMUNENE Richwell	NFP	12	Twelve
PULE C Daniel	CDP	4	Four

I further declare that a total of 670 ballot papers have been rejected as invalid and that a total of 14,350 Votes were cast.

Dated this 15 day of August, 2026

Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Benjamin Phiri	UPND	B. PHIRI			
Boniface Phiri	ZEEGI	[illegible]			
Mwale Thomas	NRPUP	[illegible]			
Stephen Banda	Independent	[illegible]			
MUTI GIVEN	UPND	[illegible]			
Bertha Mwale	ZEEGI	[illegible]			
ELASTHUS TEMBO	SACCOR/GEARS	[illegible]			
John Sakala	Comtab	[illegible]			

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

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

ANNOUNCEMENT OF THE RESULTS OF THE POLL AT THE TOTALING - Mayor/Council Chairperson

I, SAKALA MARTIN JOSAT being the Returning Officer for VUBWI Constituency, do hereby announce that I have, inaccordance with the law, ascertained the results of the poll in the said district and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
ZULU Debby	IND	4,240	Four Thousand Two Hundred and Forty
KWENDA Chipiliro	UPND	4,155	Four Thousand One Hundred and Fifty-Five
BANDA C Isaac	NRPUP	3,460	Three Thousand Four Hundred and Sixty
MWALE A Paul	IND	2,028	Two Thousand and Twenty-Eight

I further declare that a total of 454 ballot papers have been rejected as invalid and that a total of 14,337 Votes were cast.

Dated this 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Bertha Mwale	ZEEGI	Mwale			
ELASMUS Tembo	SACCORD / GEARS				
Mwale Thomas	NRPUP	[illegible]			
NITI GWEN	UPND	[illegible]			
Johnsakala	Camtas	[illegible]			
Banda Stephen	Independent	[illegible]			

1. This form must be completed in sufficient quantities to give one copy to each candidate or their polling agent by the Returning Officer. The Returning Officer must read out aloud the text from the original to the public at the place where the totalling of the votes takes place.
2. The full names of the candidates, party and votes received in figures and words must be inserted in the columns above, with the successful candidate's name at no. 1.
3. The original of this form must be delivered to the Electoral Commission of Zambia by the quickest possible means and a copy must be retained by the Returning Officer.

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

REPUBLIC OF ZAMBIA
ELECTORAL COMMISSION OF ZAMBIA
THE Electoral Process Act, 2016
(Act No. 35 of 2016)
The Electoral Process (General) Regulation, 2021

DECLARATION OF THE RESULTS OF THE POLL - Councilor

I, SAKALA MARTIN JOSAT being the Returning Officer for CHISIYA Ward, VUBWI District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said ward and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
ZULU Acklas	NRPUP	742	Seven Hundred and Forty-Two
ZULU Jonathan	UPND	494	Four Hundred and Ninety-Four

I further declare that a total of 15 ballot papers have been rejected as invalid and that a total of 1,251 Votes were cast.

I therefore declare that the said ZULU Acklas to be this day duly elected as Member of the VUBWI Council for CHISIYA ward.

Dated this 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Mwale Thomas	NRPUP	[signature]			
Miti Gwen	UPND	[signature]			
Benjamin PHIR	UPND	B. PHIR			

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.

Polling Station	Total Ballot Papers found in Box	1	2	3	Total
		SAKALA Derick (NRPUP)	TEMBO Ziwase (UPND)	Rejected Ballot Papers	
Total Votes	1,834	854	953	27	1,834

SAKALA MARTIN JOSAT
Name of Returning Officer

Signature of Returning Officer

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Elasmus Tembo G.	SACCORD/GEARS	[signature]			
Benjamin PHR	UPND	B.PHR			
Boniface Phiri	ZEEGI	[signature]			
John Sakala	Cumtad	[signature]			
Bertha Mwale	ZEEGI	Mwale.			
Chenjelani Banda	NRPUP	[signature]			

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 - Councilor

I, SAKALA MARTIN JOSAT being the Returning Officer for MBOZI Ward, VUBWI District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said ward and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
PHIRI S Weluzani	NRPUP	1,448	One Thousand Four Hundred and Forty-Eight
BANDA B Bomface	UPND	581	Five Hundred and Eighty-One

I further declare that a total of 48 ballot papers have been rejected as invalid and that a total of 2,077 Votes were cast.

I therefore declare that the said PHIRI S Weluzani to be this day duly elected as Member of the VUBWI Council for MBOZI ward.

Dated this 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Bomface Ph...	ZEEG	[signature]			
Belisaiwu PHIRI	UPND	B. PHIRI			
Kertha Mwale	ZEEGI	[signature]			
John Sakala	Comitas	[signature]			
Alickanyel chiba	AChibwe	AChibwe			
Elasmus Tamba	SACCORD/GEARS	[signature]			

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.

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 - Councilor

I, SAKALA MARTIN JOSAT being the Returning Officer for CHIMPHANJE Ward, VUBWI District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said ward and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
NKHOMA D Shadreck	UPND	833	Eight Hundred and Thirty-Three
DAKA D Peter	NRPUP	500	Five Hundred

I further declare that a total of 30 ballot papers have been rejected as invalid and that a total of 1,363 Votes were cast.

I therefore declare that the said NKHOMA D Shadreck to be this day duly elected as Member of the VUBWI Council for CHIMPHANJE ward.

Dated this 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Mwale Thomas	NRPUP				
John Sakala	Camtas				
MITI GWEN	UPND				

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.

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 - Councilor

District: VUBWI

Constituency: VUBWI Ward: MBOZI

Number of polling Stations: 6 of 6

Date of Poll: 13-08-2026

Date and Time Totalling Commenced:

Polling Station	Total Ballot Papers found in Box	1	2	3	Total
		BANDA B Bornface (UPND)	PHIRI S Weluzani (NRPUP)	Rejected Ballot Papers	
Chipanje Primary School-01 - 103009000401	215	51	157	7	215
Chipanje Primary School-02 - 103009000402	254	81	173	0	254
Maumba Primary School-01 - 103009000101	219	126	87	6	219
Mbozi Primary School-01 - 103009000301	467	126	335	6	467
Mbozi Primary School-02 - 103009000302	452	116	327	9	452
Songeya Primary School-01 - 103009000201	470	81	369	20	470

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

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

DECLARATION OF THE RESULTS OF THE POLL - Councilor

I, SAKALA MARTIN JOSAT being the Returning Officer for VUBWI Ward, VUBWI District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said ward and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
TEMBO Ziwase	UPND	953	Nine Hundred and Fifty-Three
SAKALA Derick	NRPUP	854	Eight Hundred and Fifty-Four

I further declare that a total of 27 ballot papers have been rejected as invalid and that a total of 1,834 Votes were cast.

I therefore declare that the said TEMBO Ziwase to be this day duly elected as Member of the VUBWI Council for VUBWI ward.

Dated this 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Elasmus Tembo	SACCORD/GEARS	[signature]			
Chenjelan Bali	NRPUP	[signature]			
Benjamin Phiri	UPND	B. PHIRI			
Boniface Phiri	ZEEGI	[signature]			
John Sakala	Caritas	[signature]			
Bertha Mwale	ZEEGI	[signature]			
Chenjelani Bali	NRPUP	[signature]			

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.

[illegible]	Total Ballot Papers found in Box	1	2	3	Total
		BANDA B Bomface (UPND)	PHIRI S Weluzani (NPPUP)	Rejected Ballot Papers	
Total Votes	2,077	581	1,448	48	2,077

SAKALA MARTIN JOSAT

Name of Returning Officer

Signature of Returning Officer

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Bomface Phiri	ZEEG	[illegible]			
Beyedaun PHIRI	UPND	B. PHIRI			
[illegible]	ZEEG	[illegible]			
John Sakala	Cantay	[illegible]			
Elickard Chibwe					

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 - Councilor

District: VUBWI

Constituency: VUBWI Ward: VUBWI

Number of polling Stations: 6 of 6

Date of Poll: 13-08-2026

Date and Time Totalling Commenced:

Polling Station	Total Ballot Papers found in Box	1	2	3	Total
		SAKALA Derick (NRPUP)	TEMBO Ziwase (UPND)	Rejected Ballot Papers	
Msengelezi Primary School-01 - 103009000701	356	82	271	3	356
Nakhoma Primary School-01 - 103009000501	86	57	28	1	86
Nakhoma Primary School-02 - 103009000502	112	70	40	2	112
Vubw Primary School-01 - 103009000601	431	215	208	8	431
Vubw Primary School-02 - 103009000602	428	207	209	12	428
Vubw Primary School-03 - 103009000603	421	223	197	1	421

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

REPUBLIC OF ZAMBIA
ELECTORAL COMMISSION OF ZAMBIA
THE Electoral Process Act, 2016
(Act No. 35 of 2016)
The Electoral Process (General) Regulation, 2021

DECLARATION OF THE RESULTS OF THE POLL - Councilor

I, SAKALA MARTIN JOSAT being the Returning Officer for ZOZWE Ward, VUBWI District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said ward and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
BANDA Cephas	UPND	1,292	One Thousand Two Hundred and Ninety-Two
BANDA Emmanuel	NRPUP	781	Seven Hundred and Eighty-One

I further declare that a total of 49 ballot papers have been rejected as invalid and that a total of 2,122 Votes were cast.

I therefore declare that the said BANDA Cephas to be this day duly elected as Member of the VUBWI Council for ZOZWE ward.

Dated this 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Benjamin Phiri	UPND	B. Phiri			
John Sakala	Cantab	[illegible]			
Boniface [illegible]	ZEEGI	[illegible]			
Elasmus Tembo	SACCORD / GEARS	[illegible]			
Bertha Mwale	ZEEGI	Mwale			
Chengelan [illegible]	NRPUP	[illegible]			

1. This form must be completed in sufficient quantities to give one copy to each candidate or their polling agent by the Returning Officer. The Returning Officer must read out aloud the text from the original to the public at the place where the totalling of the votes takes place.
2. The full names of the candidates, party and votes received in figures and words must be inserted in the columns above, with the successful candidate's name at no. 1.
3. The original of this form must be delivered to the Electoral Commission of Zambia by the quickest possible means and a copy must be retained by the Returning Officer.

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

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

DECLARATION OF THE RESULTS OF THE POLL - Councilor

I, SAKALA MARTIN JOSAT being the Returning Officer for MBANDE Ward, VUBWI District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said ward and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
MVULA M Elias	NRPUP	616	Six Hundred and Sixteen
MBEWE Fredgers	UPND	426	Four Hundred and Twenty-Six
BANDA Lufeyo	IND	173	One Hundred and Seventy-Three

I further declare that a total of 19 ballot papers have been rejected as invalid and that a total of 1,234 Votes were cast.

I therefore declare that the said MVULA M Elias to be this day duly elected as Member of the VUBWI Council for MBANDE ward.

Dated this 15 day of August, 2026 Signature: Sakala

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Bertha Murale	ZEEGI	[signature]			
Tembo Elasmuse	Saccoid/ Cears	[signature]			
Clement Tembo	IND.	[signature]			
Mwale Thomas	NRPUP	[signature]			
Benjamin Phiri	UPND	B. Phiri			
John Sakala	Capital	[signature]			
VIRGITA NAMBEYE	NRPUP	B Nambeye			

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.

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 - Councilor

District: VUBWI

Constituency: VUBWI Ward: ZOZWE

Number of polling Stations: 6 of 6

Date of Poll: 13-08-2026

Date and Time Totalling Commenced:

Polling Station	Total Ballot Papers found in Box	1	2	3	Total
		BANDA Cephas (UPND)	BANDA Emmanuel (NRPUP)	Rejected Ballot Papers	
Kampisandodo Primary School-01 - 103009002201	392	220	163	9	392
Kampisandodo Primary School-02 - 103009002202	409	233	170	6	409
Zozwe Primary School-01 - 103009002101	318	208	105	5	318
Zozwe Primary School-02 - 103009002102	332	200	119	13	332
Zozwe Primary School-03 - 103009002103	302	182	109	11	302
Zozwe Primary School-04 - 103009002104	369	249	115	5	369

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 - Councilor

I, SAKALA MARTIN JOSAT being the Returning Officer for SINDEMISALE Ward, VUBWI District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said ward and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
PHIRI James	IND	570	Five Hundred and Seventy
MALUNDA George	UPND	543	Five Hundred and Forty-Three
BANDA Taulino	NRPUP	228	Two Hundred and Twenty-Eight
PHIRI Panganani	SP	100	One Hundred

I further declare that a total of 43 ballot papers have been rejected as invalid and that a total of 1,484 Votes were cast.

I therefore declare that the said PHIRI James to be this day duly elected as Member of the VUBWI Council for SINDEMISALE ward.

Dated this 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
John Sakala	Carritas Chipata				
[illegible]	NRPUP				
Elasmus [illegible]	Saccord/Geas				
Banda Nelson	IND				
[illegible]	ZEEGI				
[illegible]	ZEEGI				
[illegible]	SACCORD				
[illegible]	UPND				

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.

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 - Councilor

District: VUBWI

Constituency: VUBWI Ward: MBANDE

Number of polling Stations: 4 of 4

Date of Poll: 13-08-2026

Date and Time Totalling Commenced:

Polling Station	Total Ballot Papers found in Box	1	2	3	4	Total
		BANDA Lufeyo (IND)	MBEWE Fredgers (UPND)	MVULA M Elias (NRPUP)	Rejected Ballot Papers	
Mbande Primary School-01 - 103009000901	322	54	128	136	4	322
Mbande Primary School-02 - 103009000902	319	78	96	144	1	319
Mchima Primary School-01 - 103009001001	373	16	141	205	11	373
Muwiza Catholic Church-01 - 103009000801	220	25	61	131	3	220
Total Votes	1,234	173	426	616	19	1,234

SAKALA MARTIN JOSAT

Name of Returning Officer

Signature of Returning Officer

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 - Councilor

District: VUBWI

Constituency: VUBWI Ward: SINDEMISALE

Number of polling Stations: 4 of 4

Date of Poll: 13-08-2026

Date and Time Totalling Commenced:

Polling Station	Total Ballot Papers found in Box	1	2	3	4	5	Total
		BANDA Taulino (NRPUP)	MALUNDA George (UPND)	PHIRI James (IND)	PHIRI Panganani (SP)	Rejected Ballot Papers	
Teferadziko Primary School-01 - 103009002301	346	66	143	114	15	8	346
Teferadziko Primary School-02 - 103009002302	401	55	148	150	29	19	401
Teferadziko Primary School-03 - 103009002303	348	52	115	148	21	12	348
Teferadziko Primary School-04 - 103009002304	389	55	137	158	35	4	389
Total Votes	1,484	228	543	570	100	43	1,484

SAKALA MARTIN JOSAT

Name of Returning Officer

Signature of Returning Officer

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

REPUBLIC OF ZAMBIA

ELECTORAL COMMISSION OF ZAMBIA

THE Electoral Process Act, 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulation, 2021

DECLARATION OF THE RESULTS OF THE POLL - Councilor

I, SAKALA MARTIN JOSAT being the Returning Officer for MLAWE Ward, VUBWI District, do hereby declare that I have, inaccordance with the law, ascertained the results of the poll in the said ward and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
PHIRI Clempino	UPND	845	Eight Hundred and Forty-Five
BANDA Stephen	NRPUP	460	Four Hundred and Sixty
BANDA A Lazalus	IND	394	Three Hundred and Ninety-Four
BANDA C Jacob	IND	242	Two Hundred and Forty-Two

I further declare that a total of 44 ballot papers have been rejected as invalid and that a total of 1,985 Votes were cast.

I therefore declare that the said PHIRI Clempino to be this day duly elected as Member of the VUBWI Council for MLAWE ward.

Dated this 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Mwale Thomas	NRPUP	[signature]			
Benjamin PHIRI	UPND	B. PHIRI			
Boniface Phi	ZEGI	[signature]			
Bertha Mwale	ZEGI	[signature]			
Elasmus Tembo	SACOOD/GEAR	[signature]			

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.

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 - Councilor

I, SAKALA MARTIN JOSAT being the Returning Officer for MATEMBA Ward, VUBWI District, do hereby declare that I have, Inaccordance with the law, ascertained the results of the poll in the said ward and that they have been given to:

Name of Candidate	Political Party	Votes	Votes (in words)
ZULU Jacob	UPND	392	Three Hundred and Ninety-Two
PHIRI Osward	NRPUP	242	Two Hundred and Forty-Two
TEMBO Loizio	UPPZ	148	One Hundred and Forty-Eight

I further declare that a total of 21 ballot papers have been rejected as invalid and that a total of 803 Votes were cast.

I therefore declare that the said ZULU Jacob to be this day duly elected as Member of the VUBWI Council for MATEMBA ward.

Dated this 15 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
Benjamin PHIRI	UPND	B. PHIRI			
Mwale Thomas	NRPUP				
Banda Nebert	IND				
Boniface Phiri	ZEEGI				
Lethia Mwale	ZEGGI				
Erasmus Tembo	GEARS				
Tohn Sakala	Carlos				

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.

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 - Councilor

District: VUBWI

Constituency: VUBWI Ward: MATEMBA

Number of polling Stations: 3 of 3

Date of Poll: 13-08-2026

Date and Time Totalling Commenced:

Polling Station	Total Ballot Papers found in Box	1	2	3	4	Total
		PHIRI Osward (NRPUP)	TEMBO Lolzio (UPPZ)	ZULU Jacob (UPND)	Rejected Ballot Papers	
Chaoleka Primary School-01 - 103009001101	314	133	11	162	8	314
Matemba Primary School-01 - 103009001201	245	54	64	122	5	245
Matemba Primary School-02 - 103009001202	244	55	73	108	8	244
Total Votes	803	242	148	392	21	803

SAKALA MARTIN JOSAT

Name of Returning Officer

Signature of Returning Officer



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

2026/HP/EP/0035

IN THE MATTER OF:	**ARTICLES 47(2), 51, 54, 68, 72(2)(c), 73(1) OF THE CONSTITUTION OF THE REPUBLIC OF ZAMBIA**
AND **IN THE MATTER OF:**	**SECTIONS 81, 89, 97(1), 98(c), 99, 100(2)(a) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016**
AND **IN THE MATTER OF:**	**CODE OF CONDUCT RULES 12, 15(a), (h), (k)**
AND **IN THE MATTER OF:**	**VUBWI CONSTITUENCY ELECTIONS HELD IN ZAMBIA ON THE 13TH DAY OF AUGUST, 2026**
AND **IN THE MATTER OF:**	**RULE 9(1) OF THE HIGH COURT (ELECTION PETITION) RULES 2026, STATUTORY INSTRUMENT NO. 31 OF 2026**
AND **IN THE MATTER OF:**	**RULE 10(1) OF THE HIGH COURT (ELECTION PETITION) RULES 2026, STATUTORY INSTRUMENT NO. 31 OF 2026**

BETWEEN:	
ACKLEO I. BANDA	**PETITIONER**
AND	
MARGARET MITI	**1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

LIST OF AUTHORITIES AND SKELETON ARGUMENTS IN SUPPORT OF THE SUMMONS TO DISMISS THE PETITION FOR IRREGULARITY

LIST OF AUTHORITIES

A. LEGISLATION

1. The Constitution of Zambia, Chapter 1 of the Laws of Zambia (as amended).
2. The Electoral Process Act No. 35 of 2016.
3. The Interpretation and General Provisions Act, Chapter 2 of the Laws of Zambia.
4. The High Court (Election Petition) Rules, 2026, Statutory Instrument No. 31 of 2026.

B. CASES

1. **Chola Sonny v Sinkala Obed** (Case No. 15 of 2021) [2021] ZMLGEL 33

2. **Nsama v Chipili** (Case No. 15 of 2021) [2021] ZMLGEL 42
3. **George Muhali Imbuwa v Electoral Commission of Zambia** (2021/HP/0587) [2021] ZMHC 7
4. **Chilombo v Hamaleke** (Appeal No. 2 of 2016) [2018] ZMCC 1
5. **Hakainde Hichilema & Geoffrey Bwalya Mwamba v Edgar Chagwa Lungu, Inonge Wina, Electoral Commission of Zambia & Attorney-General** (2016/CC/0031) [2016] ZMCC 9
6. **Kanengo v Attorney-General & Another** (CCZ 24 of 2022) [2022] ZMCC 24
7. **Bowman Lusambo v Kanengo & Others** [2024] ZMCC 1
8. **Antonio Ventriglia & Emmanuela Ventriglia v Finsbury Investments Ltd**, SCZ Appeal No. 2 of 2019
9. **Vengelatos v Vengelatos**, Supreme Court of Zambia Selected Judgment No. 35 of 2016.
10. **Naik v Burgess & Others** (Appeal 45 of 2020) [2021] ZMCA 177
11. **Munaile & Another v Yaluma & Electoral Commission of Zambia** (HP/EP 49 & 62 of 2016) [2016] ZMHC 190
12. **Mwape Allan Chansa & Mwelwa Charles v Electoral Commission of Zambia & David Mabumba**, Cause No. 2021/HP/EP/0059

SKELETON ARGUMENTS

MAY IT PLEASE THIS HONOURABLE COURT, these are the 1st Respondent's Skeleton Arguments in support of the Summons to Dismiss the Petition for Irregularity. As to the facts, the 1st Respondent relies on her Affidavit in Support of the Summons, sworn by her and filed herewith.

A. INTRODUCTION

1. My Lord/Lady, this is the 1st Respondent's application to dismiss the Petition filed herein for irregularity and/or want of jurisdiction. This application raises a single, decisive threshold point: the Petition herein was presented outside the fourteen (14) days prescribed by section 100(3) of the Electoral Process Act No. 35 of 2016, and this Honourable Court is, in consequence, without jurisdiction to entertain it.
2. The grounds of this application are that:
    i. The results of the Vubwi Constituency parliamentary election held on 13th August 2026, in which the 1st Respondent was declared duly elected as Member of Parliament, were declared by the Returning Officer on 15th August 2026;
    ii. Section 100(3) of the Electoral Process Act No. 35 of 2016 provides in mandatory terms that: "An election petition shall be signed by the petitioner or by all the petitioners, if more than one, and shall **be presented not later than fourteen days after the date on which the result of the election to which it relates is duly declared**."
    iii. The day of the declaration being excluded (Article 269(a) of the Constitution; section 35(a) of the Interpretation and General Provisions Act, Cap. 2), the fourteenth and last day for presentation of the Petition under section 100(3) of the Electoral Process Act No. 35 of 2016 was 29th August 2026;
    iv. The Petition herein was presented on 31st August 2026, the sixteenth day after the declaration and two (2) days outside the prescribed period, as shown by the Principal Registry receipt stamp borne on the Affidavit Verifying Petition, and was therefore outside the fourteen (14) days prescribed by section 100(3) of the Electoral Process Act No. 35 of 2016;
    v. Section 100(3) of the Electoral Process Act No. 35 of 2016 is couched in mandatory terms and is jurisdictional in nature, such that a petition presented outside the prescribed period is incompetently before the Court and the defect is incurable;

vi. The fourteen (14)-day period prescribed by section 100(3) of the Electoral Process Act No. 35 of 2016 cannot be extended, enlarged, waived or otherwise cured, whether by the Court or by consent of the parties; and

vii. The objection to the jurisdiction of this Honourable Court may be raised at any stage of the proceedings, cannot be waived, and must be determined *in limine*, before any other issue in the matter;

3. My Lord/Lady, the bar is apparent on the face of the Petition itself as paragraph 2 of the Petition discloses that the Returning Officer declared the 1st Respondent duly elected on 15th August 2026, while the Petition was filed on 31st August 2026, the sixteenth day after the declaration.

4. This application is brought pursuant to **Rule 17 of the High Court (Election Petition) Rules, 2026** as read with **Section 100(3) of the Electoral Process Act No. 35 of 2016**.

B. LEGAL FRAMEWORK

5. Section 100(3) of the Electoral Process Act No. 35 of 2016 provides in mandatory terms that:

> *"An election petition shall be signed by the petitioner or by all the petitioners, if more than one, and shall be presented not later than fourteen days after the date on which the result of the election to which it relates is duly declared."*

6. The Constitutional Court has held that section 100(3) of the Act "is couched in mandatory terms" and that a petition that does not meet its mandatory requirements is "no petition capable of being heard" in the matter of **Chilombo v Hamaleke [2018] ZMCC 1** where it stated as follows:

> *"We are of the view that due to the mandatory nature of section 100(3) of the Act, the absence of the petitioner's signature on the petition was fatal."*
>
> *"Having established that the election petition before the Tribunal did no[t] meet the mandatory requirements of section 100(3) of the Act, there was, under these circumstance, no petition capable of being heard by the Tribunal."*

7. The mandatory and jurisdictional character of the fourteen-day presentation limb of section 100(3) has been further determined in *Chola v Sinkala* [2021] ZMLGEL 33 (Local Government Elections Tribunal), at paragraphs 5.7–5.8 and 8.1:

> *"5.7 We have examined the record and find as a fact that the Petition was filed on 3rd September 2021, which is 19 days after 14th August, 2021, when the Returning Officer declared the Respondent as duly elected Councillor... The Petition, having been filed way after the fourteen days provided by the law in section 100(3) of the Electoral Process Act, 2016, it is incompetently before us."*

"5.8 More grievously, we have no jurisdiction to entertain, let alone, hear and determine this matter. Section 100(3) is couched in mandatory terms and the net effect being that the defect is incurable."

"8.1 The net effect of what we have said is that the requirement to file a petition within fourteen (14) days under section 100(3) is mandatory and jurisdictional. In the result, the preliminary objection raised by the Respondent succeeds. Accordingly, we dismiss the Petition for want of jurisdiction."

8. Further, in **Mwape Allan Chansa & Mwelwa Charles v Electoral Commission of Zambia & David Mabumba, Cause No. 2021/HP/EP/0059 (Ruling delivered 10 September 2021)**, the High Court, in dismissing an incompetent Petition, stated as follows at paragraph 6.7:

"6.7 In his list of legal authorities, learned Counsel referred us to the case of Mwape Allan Chansa and Mwelwa Charles v Electoral Commission of Zambia and David Mabumba HP/EP0059, where the High Court upheld a preliminary objection that failure to file a Petition within 14 days from the date when the Returning Officer announced the winner of the Parliamentary elections as provided for in section 100(3) is fatal. It means that the Court has no jurisdiction to hear and determine the matter."

9. The same conclusion was reached in **Nsama v Chipili [2021] ZMLGEL 42 (Local Government Elections Tribunal)**, at paragraphs 6.5 and 7.1:

"6.5 ...applying the law as we find it, we have to regrettably hold, and we so hold that the Petition having been filed way after fourteen days when the Returning Officer had announced the Respondent as duly elected Councillor for Munwa Ward, the Petition is incompetently before us. We have no jurisdiction to hear and determine it."

"7.1 The net effect of what we have said is that the preliminary objection succeeds. Accordingly, we dismiss the Petition for want of jurisdiction."

C. COMPUTATION OF TIME

10. Time under section 100(3) is computed in accordance with Article 269(a) of the Constitution and section 35 of the Interpretation and General Provisions Act, Chapter 2 of the Laws of Zambia, which provide respectively that a period of days from the happening of an event or the doing of an act "shall be considered to be exclusive of the day on which the event happens or the act is done" (Article 269(a)) and "shall be deemed to be exclusive of the day on which the event happens or the act or thing is done" (section 35(a)). This Honourable Court so applied these provisions in **George Muhali Imbuwa v Electoral Commission of Zambia [2021] ZMHC** 7, where it stated that:

"5.8 In casu, the nomination of the Petitioner was determined invalid on 17th May, 2021 and the Petition lodged on 26th May, 2021. As can be noted, the Petition was lodged eight days after the close of nomination, when it ought to have been lodged on or before 24th May, 2021... The seven days prescribed period begun to run on the day following the close of nomination, which was 18th May 2021 and lapsed on 24th May, 2021. Accordingly, this Petition was lodged out of time and is not properly before this Court. It is trite that a Court has no jurisdiction to hear a matter which is filed out of time and therefore, I will not consider the issues raised by the parties on their merits as doing so is a nullity."

11. My Lord/Lady, applying that computation to the facts in casu, the result of the election for Vubwi Constituency was duly declared by the Returning Officer on 15th August 2026. The day of declaration being excluded, the fourteenth and last day for presentation of the Petition under section 100(3) of the Electoral Process Act No. 35 of 2016 was 29th August 2026.

12. The Petition was presented on Monday, 31st August 2026, the sixteenth day after the declaration, two (2) days outside the prescribed period. We submit that the Petition is accordingly incompetently before this Honourable Court.

D. NO DISCRETION TO EXTEND OR ENLARGE TIME

13. My Lord/Lady, we submit that Section 100(3) admits of no discretion for the extension or enlargement of time to file a Petition. In **Chola v Sinkala [2021] ZMLGEL 33**, it was held as follows:

"6.0 We further hold that section 100(3) operates in the same way as a statute of limitation. The mandatory nature of this provision is such that it cannot be waived nor ignored."

"6.2 What emerges from this discourse is that section 100 (3) does not give us any discretion to enlarge or extend the time for filing the Petition under that section. Jurisdiction is everything and goes to the very foundation of the authority of the Court or Tribunal to entertain matters or make orders."

14. The Constitutional Court has held the same of mandatory election timelines generally and in *Kanengo v Attorney-General* [2022] ZMCC 24, it stated the following:

"[35] The use of the word 'shall' in relation to the court hearing the case in 21 days, leaves the court with no discretion to enlarge time to go outside the prescribed time of 21 days."

"[40] In sum to answer the two questions the 21 days in Article 52(4) cannot be stopped or enlarged by any court or authority."

E. NULLITY OF PROCEEDINGS

15. My Lord/Lady, we submit that election timelines are rigid, and upon their expiry the court is divested of jurisdiction and anything done thereafter is a nullity. In **Hakainde Hichilema & Geoffrey Bwalya Mwamba v Edgar Chagwa Lungu [2016] ZMCC 9**, the Constitutional Court held:

> *"...article 101(5) and 103(2) of the Constitution limit the period within which a presidential Election Petition must be heard by this Court to 14 days the court cannot competently hear a petition outside this period..... where the time for hearing the petition is limited by the Constitution, the Court is bound to enforce the time limit. This means that if this Petition were to be heard outside the 14 days period, the proceedings will be a nullity."*

16. Further, in **Kanengo v Attorney-General [2022] ZMCC 24**, it was held at paragraph 37:

> *"[37] And going by the Hakainde Hichilema case, once the 21 days expires the High Court is divested of jurisdiction rendering the matter before it nugatory and an academic exercise."*

17. In **Bowman Lusambo v Kanengo & Others [2024] ZMCC 1**, the Constitutional Court stated as follows:

> *"...a period prescribed by the Constitution cannot be suspended by anything including a statute or court order..."*
>
> *"...any order that is predicated upon a Court that has run out of jurisdiction amounts to a nullity."*

18. The same principle was applied by the Court of Appeal in **Naik v Burgess [2021] ZMCA 177**, quoting **MacFoy v United Africa Co Ltd (1961) 3 All ER 1169**:

> *"10.18 ...Based on the guidance provided above, we are of the view that we have no jurisdiction to entertain the appeal as it was obtained outside the stipulated timeframe..."*
>
> *"if an act is void, then it is in law a nullity. It is not only bad, but incurably bad. There is no need for an order of the court to set it aside. It is automatically null and void without more ado... You cannot put something on nothing and expect it to stay there. It will collapse."*

F. CONCLUSION

19. The Petition, having been presented on 31st August 2026, outside the fourteen (14) days prescribed by section 100(3) of the Electoral Process Act No. 35 of 2016, reckoned from 15th August 2026, the date on which the result of the Vubwi Constituency election was duly declared, is incompetently before this Honourable Court. The defect is jurisdictional, mandatory, incurable, and incapable of being waived, extended or excused. Any proceedings upon it would be a nullity.

20. It is accordingly respectfully prayed that this Honourable Court do determine this objection in limine and dismiss the Petition for irregularity and/or want of jurisdiction, with costs of and incidental to this application and the Petition to be borne by the Petitioner.

WE ARE MOST OBLIGED.

Dated at Lusaka this _____ day of _____ 2026.

Per:

Messrs Lungu Ngaba & Company
Plot No. 14, Kasangula Road,
Roma
P.O. Box 249
Email: info@lnclegal.co.zm
LUSAKA

Advocates for the 1st Respondent

TO: **Messrs Muleza Mwiimbu and Company**
Plot No. 3796, Ngwerema Close
Off Kwacha Road
Olympia
Email: mulezamwiimbu@gmail.com
LUSAKA

Advocates for the Petitioner

The Legal Counsel
Electoral Commission of Zambia
Election House, Haile Selassie Avenue
Longacres
P.O. Box 50274
LUSAKA

Advocates for the 2nd Respondent