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**

AFFIDAVIT IN OPPOSITION TO PETITION

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 I am the 1st Respondent in this matter, hence competent to swear this affidavit from facts within my personal knowledge, save where otherwise stated, in which case I verily believe the same to be true and correct.

2. That I am a Zambian national and I was a candidate in the Vubwi Constituency parliamentary election held on the 13th day of August, 2026.

3. That I have read the Petition presented herein and the Affidavit Verifying Petition sworn by the Petitioner, and I respond to the allegations contained therein as hereinafter appears.

4. That following the said election, the Returning Officer duly declared me as the duly elected Member of Parliament for Vubwi Constituency on 15th August 2026, having polled the highest number of valid votes cast.

5. That I polled 7,183 votes against the Petitioner's 6,397 votes, a margin of 786 votes. There is now produced and shown to me marked "**MM1**" a copy of the declaration of results for Vubwi Constituency made by the Returning Officer, dated 15th August 2026.

6. That as to the allegation in paragraph 5(i) of the Petition, repeated at paragraph 7(i) of the Affidavit Verifying Petition, that I and my agents were seen collecting voters' cards from UPND members in Zozwe Ward, Mulabe Ward and Sindamizale Ward, neither I nor any election agent or polling agent appointed by me collected any voter's card from any person in Zozwe Ward, Mulabe Ward, Sindamizale Ward or any other part of Vubwi Constituency or at all, and I never instructed, authorised, consented to or approved of any such act.

7. That further, neither I nor any of my agents has been cautioned, charged or arrested in connection with the election and no docket has been exhibited in respect of the alleged offence.

8. That as to the allegation in paragraph 5(ii) of the Petition, repeated at paragraph 7(ii) of the Affidavit Verifying Petition, concerning threats allegedly broadcast on Mudzi Wathu Radio Station in Malawi that Zambian soldiers would arrest voters found without a BCG vaccination, I never caused, procured, instigated, authorized, consented to or approved of any broadcast on that station or any other station and no such threat was ever made by me or by any person acting on my behalf.

9. That as to the allegation in paragraph 5(iii) of the Petition, that as a result of the alleged broadcast a lot of voters in favour of the Petitioner did not participate in the poll, the polling in Vubwi proceeded peacefully and turnout was normal and I am not aware of a single voter who failed to vote on account of any radio broadcast and that no voter, polling station or figure is identified in support of the allegation.

10. That as to the allegation in paragraph 5(iv) of the Petition, repeated at paragraph 7(iii) of the Affidavit Verifying Petition, concerning the alleged distribution of salt on the night before polling after the close of the campaign period, neither I nor any agent of mine distributed salt or any other materials to any voter, whether before, during or after the campaign period, and that my campaign was conducted at all times in compliance with the Electoral Code of Conduct and within the campaign period prescribed by the 2nd Respondent.

11. That as to the allegation in paragraph 5(v) of the Petition, repeated at paragraph 7(iv) of the Affidavit Verifying Petition, concerning alleged vote-buying by the giving out of sim cards said to contain money, with PIN numbers allegedly supplied to voters thereafter, the allegation is denied in its entirety, neither I nor any agent of mine gave any sim card, money or thing of value to any voter, no PIN number was given to any voter by me or at my instance and I never instructed, authorized, consented to or approved of any such act.

12. That as to the allegation in paragraph 5(vi) of the Petition, repeated at paragraph 7(v) of the Affidavit Verifying Petition, that I and my agents prevented UPND polling agents from accessing the totalling centre so that they could not monitor the election results, the

UPND polling agents were duly accredited by the 2nd Respondent and were present at the polling stations and at the totalling centre throughout the counting and totalling of votes.

13. Further, they signed the prescribed forms without any protest and no polling agent was denied access by me or by any person acting on my behalf. There is now produced and shown to me marked "**MM2**" copies of the polling-station result forms and the totalling centre record evidencing the presence and signatures of the polling agents.

14. That the only persons whose conduct may be attributed to me are the election agent and polling agents specifically appointed by me in writing, whose letters of appointment are available, and I aver that none of the said appointed agents committed any of the acts alleged in the Petition.

15. That throughout the campaign period and on polling day, my campaign and my agents complied fully with the Electoral Code of Conduct prescribed under the Electoral Process Act No. 35 of 2016, and neither I nor my agents engaged in any corrupt practice, illegal practice, bribery, threats, intimidation, undue influence or violence whatsoever.

16. That I verily believe the election in Vubwi Constituency was free, fair, peaceful and transparent, the majority of voters freely exercised their constitutional right to vote for the candidate of their choice and the result declared by the Returning Officer reflects the free will of the voters of Vubwi Constituency.

17. That further, and in any event, I personally committed no corrupt practice or illegal practice in connection with the said election, had no knowledge of, and neither consented to nor approved of, any such practice; my election agents took all reasonable means to prevent the commission of any corrupt practice or illegal practice at the election.

18. That the result of the election for Vubwi Constituency was duly declared by the Returning Officer on 15th August 2026.

19. That the Petition herein was filed on Monday, 31 August 2026, the sixteenth day after the declaration, and two (2) days out of time.

20. That the Petition is speculative, frivolous and vexatious, contains no particulars of the allegations pleaded, and constitutes an abuse of the process of this Honourable Court.

21. 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

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AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
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2026/HP/EP/0035

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ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

CERTIFICATE OF EXHIBITS

These are the exhibits marked **"MM1"** to **"MM2"** referred to in the Affidavit of **MARGARET MITI**.

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

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

BEFORE ME: .....

COMMISSIONER FOR OATHS