0978083285

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

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

2026/HP/EP/ 011

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026.

IN THE MATTER OF: ARTICLE 73 (1) AND ARTICLE 45(2) (A) AND (B) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 THE LAWS OF ZAMBIA AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) AND (2) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 (SI NO. 31 OF 2026).

IN THE MATTER OF: SECTIONS 81, 83, 87, 89, 96, 97(2), 98(C), 99(A), 100 (2) (A), OF THE ELECTORAL PROCESS ACT NO. 36 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026 [THE ELECTORAL PROCESS (AMENDMENT) ACT, 2026].

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) REGULATIONS, 2016

BETWEEN:
MENYANI ZULU (MALE) — PETITIONER

AND

PAUL LUNGU (MALE) — 1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

ELECTION PETITON
For Nyimba North Constituency

THE HUMBLE PETITION of MENYANI ZULU of Plot No. 713, Moza, Nyimba in the Nyimba District of Eastern Province of the Republic of Zambia SHOWETH THAT:

1. YOUR PETITIONER is a Zambian citizen who is a member of a political party namely the United Party for National Development (hereinafter referred to as the **"UPND"**) and was sponsored as an adopted candidate by the said UPND in respect of the Parliamentary Elections for Nyimba North Constituency which took place on 13th August, 2026.

2. YOUR PETITIONER is a person who was a candidate in the Parliamentary election for Nyimba North Constituency to which this election petition relates and that there were three (3) Parliamentary Candidates for Nyimba North Constituency Parliament Elections including the Petitioner who successfully filed their nomination and participated in the said Elections as follows:

No.	Name of Candidate	Party Ticket
1	Paul Lungu	NRPUP
2	Menyani Zulu	UNPD
3	Reuben Chombo	RP

3. YOUR PETITIONER avers that the 1st Respondent was also a Parliamentary Candidate standing on the National Reconciliation Party for Unity and Prosperity (hereinafter referred to as the **"NRPUP"**) sponsorship ticket and participated as such in the 13th August 2026 General Elections as Parliamentary candidate for Nyimba North Constituency in the Eastern Province of the Republic of Zambia.

4. YOUR PETITIONER avers that the said Election was conducted by the 2nd Respondent herein the Electoral Commission of Zambia (hereinafter referred to as the "**ECZ**") an Electoral Body Established pursuant to Article 229 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 (hereinafter referred to as the **"Constitution"**) and the Electoral Process Act No. 35 of 2016 (hereinafter referred to as "**Electoral Process Act**").

5. YOUR PETITIONER states that the election was held on 13th August 2026 when your Petitioner and the 1st Respondent were candidates and the Returning Officer for Nyimba North Constituency **Mr. Kaonga Simon** returned the 1st Respondent one **Paul Lungu** on 14th August

2026 as the winner and duly elected Member of Parliament for Nyimba North Constituency. The results of the poll were as follows:

No.	Name of Candidate	Party Ticket	Votes Recorded
1	Paul Lungu	NRPUP	4,429 Votes
2	Menyani Zulu	UNPD	3,721 Votes
3	Reuben Chombo	RP	3,444 Votes

GROUNDS RELIED ON IN SUPPORT OF THE PETITION:

AND YOUR PETITIONER says that *(facts and grounds on which the Petitioner relies):*

6. YOUR PETITIONER will state that the 1st Respondent and his appointed agent together with persons directly linked to the 1st Respondent acting upon the instructions and directions of the 1st Respondent with his knowledge, consent and approval, engaged in corrupt, illegal practices which include vote manipulation and swapping of contrary to the provisions of Part VIII of the Electoral Process Act No. 35 of 2016, the Electoral Code of Conduct, and contrary to Article 45(2) (a) to (d) of the Constitution in that he was involved in bribery, undue influence, threats, intimidation, hate speech against the Petitioner and the UPND and its President, and 1st Respondent further conducted campaigns at all the *47 polling stations in all the 7 wards* on the voting day in Nyimba North Constituency.

7. YOUR PETITIONER will state that declaration of the 1st Respondent as duly elected Member of Parliament for Nyimba North Constituency was invalid by reason of non-compliance with provisions of the Constitution of the Republic of Zambia and the Electoral Process Act (EPA) No. 35 of 2016.

PARTICULARS OF ELECTORAL MALPRACTICE AND MISCONDUCT:

1. Manipulation of Votes Cast, Fraud, Swapping of Ballots and Mistakes and/or Errors in the Tabulation of Votes Cast:

   (i) In Chinambi Ward at Lwangazi Polling Station, the Petitioner's Agents were denied access to Gen-20 and all efforts to have a Gen 20 Forms were deliberately ignored by the Presiding Officer.

(ii) *On 13th and 14th August 2026 at the 47 polling stations in all the 7 wards, the Petitioner's agents were intimidated and as a result, the totaling of the results was marred with serious manipulation, fraud and swapping of ballots to the extent that some of the valid votes for the Petitioner were disproportionately declared as invalid votes and some of the invalid votes were given to the 1st Respondent to give him undue advantage. In some areas where the Petitioner was leading, his votes were calculatingly given the 1st Respondent in a clear attempt to give the 1st Respondent an advantage over the Petitioner just to ensure that the Petitioner loses the elections. For instance, at Mambo Primary School which had two streams, the Petitioner was leading and all of a sudden, the 1st Respondent was given the votes as the leading candidate.*

(iii) *Further, the 1st Respondent bribed the Petitioner's Polling Agents. However, some of Petitioner's agents contested the results announced at the polling centers but despite the clear communication to the Presiding Officer, the 2nd Respondent's officials refused to heed the objections and instead proceeded to declare the 1st Respondent as having been duly elected Member of Parliament for Nyimba North Constituency, when in fact not.*

(iv) *Furthermore, manipulation, swapping of ballots and/or votes cast, and several errors, omissions, mistakes in the counting of votes and tabulation of results by the Respondent which were so widespread in the following: Mtiliz Ward; Mphundwa Ward; Chinambe Ward; Kapita Ward; Katipa Ward; and Kaliwe Ward. The above itemize malpractices warrants an order for a recount of the ballots cast.*

2. <u>Vote Buying:</u>

(i) *The 1st Respondent and his agents acting under his directions with his consent and approval were distributing money to electorates in all the 47 polling stations in all the 7 wards, during campaigns and on the polling/voting day to entice the electorates to vote for him to the extent that there are witnesses who received the said money and were told not to vote for the Petitioner but instead, to vote for the 1st Respondent. One of the Respondent's agent/supporters known as Frank Mwanza was seen distributing money and pens to electorates during the polling day at Nsangano, Mpundwe and Kanyena Polling Stations 1 and 2. This vice of vote buying,*

distributions of drinks, pens, biscuits on 13th August, 2026 characterised the 1st Respondent's illegal campaign tactics throughout Nyimba North Constituency.

(ii) *On 12th August, 2026, in Chinambi Ward at Makopa village and other surrounding villages the 1st Respondent was seen in the evenings of 12th August 2026 distributing salt to entice electorates to vote for him come the voting day and on 13th August, 2026 on voting day the 1st Respondent's agents were seen distributing money.*

(iii) *In Mpundwe Ward at Mpundwe Polling Station, the 1st Respondent through Mr. Donald Banda (who was a candidate for RP which is part of the Tonse Alliance) acting under his direct instructions and orders was seen enticing electorates within the Polling centre premises by distributing Pens, and were given biscuits and K50.00 notes to the electorates before each one of them could vote, and they were further promised that they would be given nshima with chicken after voting as a token of appreciation for voting to the 1st Respondent. After Petitioner's Agent noticed this vice, he informed the Police Officer who intervened and ordered the said Mr. Donald Banda and his team to leave voting premises. They relocated to a nearby stream wherein they continued giving people the money, salt and pens. Furthermore, Induna (Headman) Joshua Alfred Mumba from Siwowa village in a bid to solicit for votes for the 1st Respondent and his Party NRPUP was also seen distributing Pens and Salt to electorates as they were heading to the Polling Stations with a message to vote for the 1st Respondent* ***"pa nyali" (meaning lamp-light)*** *under NRPUP.*

(iv) *On 13th August, 2026 at Kanyena Polling Station (Streams 1 and 2) and within the Polling premises, Donald Banda was seen distributing drinks, biscuits to electorates and promised them that after voting they should come and be given food to eat. Donald Banda was being assisted by other persons namely: Michael Mumba, Foster Mwanza and Michael Banda who were all acting under the direction and/or instructions directly obtained from the 1st Respondent. When Mr. Ezekiel Zulu (UPND Member) approached the said persons aforementioned and warned them that the activities they were doing were an affront to the electoral laws, they told him that UPND and the Petitioner had already lost because the voters/electorates were*

already bought and were in the pockets of the 1st Respondent and ***"pa nyali."*** *Consequently, the said persons continued whilst saying that "this is a revolutionary year and we have already won.*

(v) *At Murila Polling Station, on 13th August, 2026, two (2) persons from Lusaka but acting for and on behalf of the 1st Respondent with his express instructions were seen distributing pens and money. Furthermore, a person known as Special Daka was also seen burning the UPND regalia before the election day but throughout the campaign period. This case was reported to Nyimba Police Station and is pending Investigations.*

(vi) *At Chinambi Polling Station in Chinambi Ward, Headmen Jeke, Mayembe, Mutalika and Kaviyeni were campaigning around the Polling Station premises on behalf of the 1st Respondent from around 05:00hrs to 16:00hrs. The said headmen were intimidating, threatening and misleading unsuspecting electorates that they have a system in place that will show how people are voting and that anyone who would vote for the Ruling Party UPND and the Petitioner herein would be seen, noticed and punished and denied benefits when the Petitioner's Party UPND is kicked out power because the Petitioner and his party UPND had already lost elections.*

3. <u>Intimidation and Campaigning on the Voting day:</u>

(i) *The 1st Respondent and his agents and persons acting under his direct instructions particularly in Chinambi Ward at Makopa village used intimidatory language during campaigns and on the polling day on 13th August 2026 to the electorates by threatening them that anyone who would vote for any UPND candidate including the Petitioner herein, would be chased from the village to follow the UPND President Mr. Hakainde Hichilema in Southern Province.*

(ii) *On 13th August, 2026, the 1st Respondent and his agents and persons acting under his direct instructions namely; Induna Malunga Martha, after voting at Simalama Polling Station started instructing people to vote for the 1st Respondent and on the* ***"Nyali"*** *(meaning the Candle sign for NRPUP) the 1st Respondent's Party symbol. The 1st*

Respondent was further head telling electorates that the Petitioner and his Party were a bunch criminals and dogs who never deserved even a single vote from Eastern Province. These comments connote serious hate speech against the Petitioner and his Party UPND. This was the same situation at in Kaliwe Ward at Chiwala Polling Station where persons by the name of: Smart Phiri, Nenancial Sakala and one Police Officer were telling electorates to vote for the 1st Respondent and his Party on the voting days.

4. Character Assassination and Hate Speech:

(i) *The 1st Respondent's campaign message was based on character assassination, divisiveness, hate speech, intimidation, threats, inflammatory or tribal remarks and/or sentiments to the extent that he was heard telling electorates that it was a taboo to vote for the Petitioner who was in association with a Political Party (UPND) and President who are responsible for the late President's Edgar Lungu's failed burial in Zambia owing to the fact that the said Edgar Lungu is from Eastern Province and Nsenga tribe and that in Nsenga land, we should make sure that nobody votes for the Petitioner. The 1st Respondent was also heard telling people that voting for NRPUP and the 1st Respondent was the only way the said former President Edgar Lungu would be buried in Zambia and that former President Edgar Lungu's spirit will haunt any person who will not vote for the 1st Respondent and his Party for betrayal. Furthermore, at Mtilizi Ward, Mtilizi Polling Stations, Induna Daniel Lackson Lungu was heard telling electorates on the voting day that they should not vote the Petitioner and his UPND because Tongas are salvages and criminals.*

8. YOUR PETITIONER states that as a consequence of the aforesaid illegal practices and/or election malpractices committed by the 1st and 2nd Respondent and their agents, the majority of the voters in the whole of Nyimba North Constituency in all the 47 polling stations in all the 47 wards were prevented from exercising their freedom and right to choose a candidate of their choice and further that some electorates who voted for the Petitioner had either their votes irregularly invalidated or fraudulently swapped and put on the 1st Respondent slot. Furthermore, in all the 47 polling stations, rejected and/or spoilt ballots were treated as valid votes cast and allocated or given to the 1st Respondent to assist him win the elections. The Petitioner's polling Agent at Chiwale polling station for instance, confronted the Presiding Officer and raised serious

objections about the treatment of rejected or spoilt ballots as valid votes cast and thereafter allocating them to the 1st Respondent. Nevertheless, his objections were ignored.

9. In the premise, the Petitioner contends that the 1st Respondent was not duly elected in terms of the Constitution and the Electoral Act because the elections in the aforesaid Constituency were held in an atmosphere which was not free and fair, due to widespread malpractices, vote buying, bribery, violence and corruption.

10. By virtue of what is stated above, the Respondent contravened the electoral process law by:

(a) Serious and widespread manipulation, fraud and swapping of ballots and mistakes in relation to votes cast to the extent that some of the valid votes for the Petitioner were disproportionately declared as invalid votes and some of the invalid votes were given to the 1st Respondent to give him undue advantage and illegally enabling him to win the election;

(b) The 1st Respondent making false, defamatory, uttering hate speech, and inflammatory allegations against the Petitioner;

(c) Practicing undue influence against the Petitioner; and

(d) Failing to comply with the Electoral Process Act and the Electoral Code of Conduct.

RELIEFS SOUGHT BY THE PETITIONER:

WHEREOF, YOUR PETITIONER PRAYS for a declaration that and/or for the Court grants him the following Reliefs:

1. An Order directing the 2nd Respondent to conduct an audit and a recount of the votes cast on the 13th August 2026 with respect to Nyimba North Constituency Parliament Election in the presence of both the Petitioner and 1st Respondent, their Advocates and/or their agents.

2. After a recount in ordered in (1) is conducted and the votes cast are corrected accordingly, make a declaration that the Petitioner was duly elected as Member of Parliament for Nyimba North Constituency, instead of the 1st Respondent.

3. A declaration that the declaration by the 2nd Respondent that the 1st Respondent is a winner and duly elected Member of Parliamentary for Nyimba North Constituency is ***null and void.***

4. In the alternative, a declaration that the illegal practices committed by the 1st Respondent, his authorized agents and 2nd Respondent affected the election results and therefore the election of the 1st Respondent as a Member of Parliament for Nyimba North Constituency is invalid.

5. An Order that the 1st and 2nd Respondent bears the costs of this Petition.

6. Any other reliefs the court may deem fit.

Dated at Lusaka this 28th day of August 2026.

Signed By: _____
THE PETITIONER - MENYANI ZULU

This Petition was taken out by **Wallace & Co., Legal Practitioners,** whose address for service is at **Plot 43, Unit 2, Makani Street, Off Central Street & Great East Road, Jesmondine, Lusaka P.O. Box 320227, Lusaka**, and whose email address is: wallace@wallaceandco.co.zm, Cell: +260 763-886-465, Advocates for the said Petitioner. AND the Petitioner who resides at **Plot No. 713, Moza, Nyimba in the Nyimba District of Eastern Province of the Republic of Zambia** and whose postal address for service is C/o **P.O. 320227, Lusaka – Zambia** and email address being menyani73@gmail.com and Cell: +260 966 902524.

TO: THE 1ST RESPONDNET
PAUL LUNGU (MALE)
Ndema Village
Senior Chief Luembe
NYIMBA DISTRICT

TO: THE 2ND RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA
Elections House, Haile Selassie Avenue,
Longacres,
P.O Box 50274
Lusaka, Zambia

IN THE HIGH COURT OF ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(CIVIL JURISDICTION)

2026/HP/EP/011

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026

IN THE MATTER OF: ARTICLE 73(1) AND ARTICLE 45(2)(a) AND (b) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 OF THE LAWS OF ZAMBIA, AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026, (SI NO. 31 OF 2026)

IN THE MATTER OF: SECTIONS 81, 83, 87, 89, 96, 97 (2) 99 (A), 100 (2) (A) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016, AS AMENDED BY ACT NO. 12 OF 2026 [THE ELECTORAL PROCESS (AMENDMENT ACT, 2026)

BETWEEN:

MENYANI ZULU — PETITIONER

AND

PAUL LUNGU — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

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

ANSWER OF THE 2ND RESPONDENT TO THE ELECTION PETITION

The 2nd Respondent, the Electoral Commission of Zambia, through its Advocates, hereby answers the Petition filed herein as follows:

1. Save where expressly admitted herein, the 2nd Respondent denies each and every allegation, assertion and averment contained in the Petition and the Affidavit Verifying Facts in support thereof, as though the same were set out seriatim and specifically traversed.
2. The 2nd Respondent states that it is a constitutional body mandated to conduct elections in accordance with the Constitution and the Electoral Process Act.
3. The 2nd Respondent accordingly states that it conducted and administered the parliamentary election for Nyimba North Constituency in accordance with the Constitution, the Electoral Process Act, the applicable regulations and procedures governing the conduct of elections.
4. The 2nd Respondent denies that the election in Nyimba North Constituency was conducted in a manner that renders the result invalid.

5. The 2nd Respondent shall contend that the Petitioner's allegations are either unsupported by sufficient particulars, unsupported by credible evidence, or do not satisfy the statutory requirements for nullification of an election.
6. The 2nd Respondent further states that allegations of electoral malpractice, misconduct, corruption, vote buying, intimidation, manipulation or unlawful conduct must be proved by the Petitioner to the standard required by law.
7. In response to paragraphs 1 to 5 of the Petition, the 2nd Respondent admits only such matters as relate to the fact that the election for Nyimba North Constituency was conducted on 13th August 2026 and that the 1st Respondent was declared the winner, subject to the official electoral records.
8. The 2nd Respondent denies any allegation, whether express or implied, that the election was conducted unlawfully or contrary to the Constitution or the Electoral Process Act.
9. The 2nd Respondent states that the official results and relevant electoral returns shall speak for themselves.
10. In response to paragraph 7 of the Petitioner's petition, the 2nd Respondent denies that i its officers or agents unlawfully manipulated, swapped or altered votes in favour of the 1st Respondent.
11. The 2nd Respondent puts the Petitioner to strict proof of the specific polling stations at which it is alleged that votes were manipulated or swapped and the identity of the persons alleged to have undertaken such acts.
12. In particular, where the Petitioner alleges that his agents were denied access to Gen-20 forms or that objections raised by his agents were ignored, the Petitioner is put to strict proof of:
13. The 2nd Respondent states that the results declared were based upon the official electoral returns submitted through the prescribed electoral process.
14. The 2nd Respondent further denies that any errors or omissions, if established, were deliberate acts undertaken for the purpose of giving the 1st Respondent an unlawful advantage.
15. In response to the allegations of vote buying contained in the Petition, the 2nd Respondent states that it has no personal knowledge of the alleged private conduct attributed to the 1st Respondent or persons allegedly acting on his behalf.
16. The 2nd Respondent denies that its officers participated in, authorised or facilitated any vote buying.
17. To the extent that the Petition alleges that complaints were made to electoral officials or law-enforcement officers, the 2nd Respondent shall rely upon the official records relating to any such complaint, if any.
18. The 2nd Respondent denies that its officers unlawfully permitted or participated in intimidation or campaigning on polling day.
19. Where any complaint was brought to the attention of the 2nd Respondent or its officials, the 2nd Respondent shall rely upon the contemporaneous records and reports relating to that complaint.
20. The 2nd Respondent denies that any conduct of its officials unlawfully prevented the Petitioner or his supporters from exercising their right to vote.

21. In response to the allegations of character assassination, inflammatory language and hate speech, the 2nd Respondent states that it did not authorise, participate in or direct any such statements.
22. The 2nd Respondent denies that it breached the Electoral Code of Conduct or any other applicable electoral law in the manner alleged.
23. The 2nd Respondent denies the allegation that any unlawful conduct attributable to it affected the result of the election.
24. The Petitioner's allegation that the alleged malpractice occurred at all 47 polling stations and across all 7 wards is denied and the Petitioner is put to strict proof of each individual allegation.
25. The 2nd Respondent states that each polling station has its own electoral record and the Petitioner cannot rely on generalised allegations in place of proof of the specific irregularities complained of.
26. The 2nd Respondent further denies that rejected or disputed ballots were unlawfully treated as valid votes for the 1st Respondent and puts the Petitioner to strict proof of every ballot alleged to have been improperly counted.
27. The 2nd Respondent denies that the election was conducted in an atmosphere which rendered the election invalid.
28. The 2nd Respondent states that the declaration of the result was made pursuant to the applicable electoral procedures and on the basis of the official results received from the relevant polling stations.
29. The 2nd Respondent denies that the 1st Respondent was improperly declared elected.
30. The 2nd Respondent opposes all the reliefs sought by the Petitioner insofar as they are founded upon allegations that have not been proved against the 2nd Respondent.
31. In particular, the 2nd Respondent opposes any order declaring the election invalid.
32. The 2nd Respondent further opposes the Petitioner's prayer for an order declaring him duly elected.
33. The 2nd Respondent accordingly prays that the Petition be dismissed insofar as it is directed against the 2nd Respondent, with costs.

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

RESPONDENT OR ITS ADVOCATE

Drawn by : .....

STEMBRIDGE CHIRAMBO & ASSOCIATES
Western Wing Suite LG 03 & 04, Provident House,
Umodzi Highway,
P.O.Box 51034,
lahonju@gmail.com
CHIPATA
Or C/o Plot 3601/4, Mapepe Road,
Olympia Park,
LUSAKA

ADVOCATES FOR THE 2nd RESPONDENT

TO: THE PETITIONER AND HIS ADVOCATES
Wallace & Company,
Plot 43, Unit 2, Makani Street,
Off Central Street & Great East Road, Jesmondine
LUSAKA

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
07 SEP 2026
PRINCIPAL REGISTRY 5
P.O. BOX 50067, LUSAKA

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

2026/HP/EP/011

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026

IN THE MATTER OF: ARTICLE 73(1) AN ARTICLE 45(2)(A) AND (B) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 OF THE LAWS OF ZAMBIA AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) AND (2) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 (SI NO. 36 OF 2026)

IN THE MATTER OF: SECTION 81, 83, 87, 89, 96, 97(2) 98(C), 99(A), 100(2)(A) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026 THE PROCESS (AMENDMENT) ACT, 2026

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) REGULATIONS, 2016

BETWEEN:

MENYANI ZULU (MALE)	PETITIONER
AND	
PAUL LUNGU (MALE)	1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA	2ND RESPONDENT

1ST RESPONDENT'S ANSWER TO PETITION

THE 1ST RESPONDENT RESPONDS TO THE PETITION AS FOLLOWS:

1. The 1st Respondent admits the contents of Paragraphs 1 to 5 of the Election Petition save to add that in further response to Paragraph 2 that the 1st Respondent is the duly elected member of parliament for Mkushi North.
2. Paragraph 6 of the Election Petition is categorically denied. The 1st Respondent will aver that neither himself nor his agents engaged in an illegal and corrupt practice before, or during the elections, and further that he did not engage in any campaigning activities on voting day in Nyimba North Constituency

3. In answer to Paragraph 7 of the Election Petition, the 1st Respondent denies the allegations contained therein, and avers that he was duly elected in the 13th August, 2026, elections, as announced by the 2nd Respondent in accordance with the Constitution of Zambia, Chapter 1 of the Laws of Zambia as amended by Act No. 2 of 2016, the Electoral Process Act No. 35 of 2016 as amended by the Electoral Process Act, 2026, and all other subsidiary legislation, and the Petitioner will be put to strict proof of all allegations to the contrary.

4. Further in answer to Paragraphs 7(1)(i) -(v) alleging manipulation of votes cast, fraud, swapping of ballots cast, and mistakes or errors in the tabulation of the votes cast, the 1st Respondent denies the contents thereof in their entirety, and will say in response as follows:

    i. The same is a falsehood, maliciously crafted by the Petitioner, as all candidates and stakeholders duly received Gen20 forms.

    ii. The same is a falsehood, maliciously crafted by the Petitioner in an attempt to discredit an election which was validly held. Neither the 1st Respondent nor his agents engaged in any manipulation, fraud or swapping of ballots, and has no knowledge of such acts. Further the results declared by the returning officer were a true reflection of the ballots cast in the election.

    iii. The same is a falsehood, maliciously crafted by the Petitioner in an attempt to discredit an election which was validly held. The 1st Respondent emphatically denies any allegations of bribing of the Petitioner's agents, and further denies that the Petitioner contested any of the election results. The Plaintiff will be put to strict proof thereof.

    iv. The same is a falsehood, maliciously crafted by the Petitioner in an attempt to discredit an election which was validly held. At no given time during the election and vote counting process was there any manipulation, swapping of ballots, and recording of errors in the stated wards. The Plaintiff will be put to strict proof thereof.

5. Further in answer to Paragraph 7(2)(i) -(vi) alleging vote buying, the 1st Respondent denies the contents thereof in their entirety, and will say as follows:

i. The 1st Respondent has never himself engaged in or instructed his agents to distribute money and pens to electorates during the campaigns and on voting day. Further the 1st Respondent avers that he has no knowledge of who the said Frank Mwanza is, and states that he is neither his agent nor supporter.

ii. The same is falsehood maliciously crafted by the Petitioner. The 1st Respondent did not engage in the conduct alleged in Chinambi Ward, and shall put the Petitioner to strict proof thereof.

iii. The same is a falsehood maliciously crafted by the Petitioner, as the 1st Respondent has never himself engaged in or instructed his agents to distribute money, pens or food to electorates on voting day. Further the 1st Respondent has never been arrested by any Police officer for such acts.

iv. The same is a falsehood maliciously crafted by the Petitioner, as the Petitioner has no knowledge of who the stated individuals are.

v. The same is a falsehood maliciously crafted by the Petitioner as the 1st Respondent has never given any individuals instructions to distribute pens and money to any electorates.

6. Further in answer to Paragraph 7(2) alleging vote buying, the Respondent shall aver that it was in fact the Petitioner who engaged in vote buying during campaigns, as the Petitioner was reported to have been distributing football jerseys to the players of the teams, so as to induce the said individuals to vote for the Petitioner.

7. In answer to Paragraph 7(3)(i) -(ii) alleging intimidation and campaigning on the voting day, the 1st Respondent denies the contents thereof in their entirety, and will say as follows:

i. The 1st Respondent denies ever using intimidatory language to the electorates during campaigns and on polling day at the said ward. The same is a falsehood, maliciously crafted by the Petitioner and the 1st Respondent will aver that on voting day of 13th August, 2026 he merely attended to cast his vote in the election at his polling station at Chinsimbwe Old Boma in Chinsimbwe ward following which he returned home where he remained pending the close of polls and declaration of the votes in the election.

ii. The same is falsehood, maliciously crafted by the Petitioner as the 1st Respondent has never been to the said polling station nor did he give any such instruction to any individual. Further the 1st Respondent has no knowledge of who Malunga Martha is, as the said person has never been a part of the 1st Respondent's campaign team

8. In answer to Paragraph 10(4)(i) alleging character assassination and hate speech the 1st Respondent denies the contents thereof in their entirety, and avers that he has no knowledge of the stated individuals is neither did he instruct him to make any statements on his behalf. The Petitioner will be put to strict thereof.

9. The 1st Respondent denies the contents of Paragraphs 8 and 9 of the Election Petition, and avers that the election held in Nyimba North Constituency were done so in accordance with all applicable electoral laws and procedures, and was thereby free and fair, with the result thereof being a true reflection of the choice of the majority of the electorate that cast votes in the election.

10. The 1st Respondent denies the contents of Paragraphs 10 and states that the now law was contravened as the Petitioner's allegations all comprise of fabrications and falsehoods.

11. **SAVE** as herein before admitted the 1st Respondent denies each and every allegation contained in the Petition as if the same were produced herein and set out *seriatim*.

12. The 1st Respondent therefore states that the Petitioner is not entitled to any of the reliefs sought in the Petition.

13. **WHEREOF**, the 1st Respondent prays that this Honourable Court be pleased to dismiss the Petition in its entirety, uphold the election and declaration of the 1st Respondent as the duly elected Member of Parliament for Nyimba North Constituency, dismiss the reliefs sought by the Petitioner, and award the costs of and incidental to the Petition to the 1st Respondent, together with such further or other relief as this Honourable Court may deem just.

Dated at Lusaka this _____ day of _____ 2026.



PAUL LUNGU

Drawn by: _____

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LUSAKA
ADVOCATES FOR THE 1ST RESPONDENT

To: **The Petitioner and his Advocates**
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Jesmondine
LUSAKA

The 2nd Respondent
The Electoral Commission of Zambia
Elections House, Haile Selassie Avenue,
P.O. Box 50274
LUSAKA

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

2026/HP/EP/011

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

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026.

IN THE MATTER OF: ARTICLE 73 (1) AND ARTICLE 45(2) (A) AND (B) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 THE LAWS OF ZAMBIA AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) AND (2) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 (SI NO. 31 OF 2026).

IN THE MATTER OF: SECTIONS 81, 83, 87, 89, 96, 97(2), 98(C), 99(A), 100 (2) (A), OF THE ELECTORAL PROCESS ACT NO. 36 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026 [THE ELECTORAL PROCESS (AMENDMENT) ACT, 2026].

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) REGULATIONS, 2016

BETWEEN:
MENYANI ZULU (MALE) — PETITIONER

AND

PAUL LUNGU (MALE) — 1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REPLY TO THE 1ST RESPONDENT'S ANSWER

THE PETITIONER'S REPLY TO THE 1ST RESPONDENT'S ANSWER AND STATES AS FOLLOWS:

1. The contents of paragraph 1 are not in issue, save to indicate that the Petition herein does not relate to a challenge against an election for a Member of Parliament for Mkushi North, but that of Nyimba North Constituency.

2. The Petitioner will aver that contrary to the assertion contained in paragraph 2 and 3 of the 1st Respondent's Answer filed on 07th September 2026, The Petitioner will repeat the contents of Paragraph 7 (i), (ii), (iii), (iv) and (v) of his Election Petition filed on 28th August 2026.

3. In addition, the Petitioner will aver that the election and declaration of the 1st Respondent as a duly elected Member of Parliament for Nyimba North Constituency was not free and fair as a result of widespread irregularities, misconduct or breaches of electoral law that was occasioned by the 1st Respondent and/or his agents, with his consent and approval. The said wrongdoings were of such a scale or nature that it adversely affected a fair outcome of the election as the electorates were prevented to freely and fairly chose a candidate of their choice.

4. The contents of paragraph 6 are within the peculiar knowledge of the 1st Respondent and the same is vehemently denied.

5. In response to the contents of paragraph 7 (i) and (ii), the Petitioner will aver that:
   (i) *The Petitioner shall aver and prove that the 1st Respondent's agents and supporters acting with his knowledge, consent and approval, were seen on the voting day distributing pens, nshima, salt and other foodstuffs telling the voters that on the 13th August 2026 all of them should vote on the* ***nyali (lamp-light).*** *On the 12th August, 2026 (voting day eve) the 1st Responded was seen giving salt to the electorates after 19:00 hrs using a white mini bus registration number* ***AIE 1116ZM.***
   (ii) *In addition, the Petitioner will aver and adduce evidence that the said Nduna-Martha Malunga and Frank Mwanza were the 1st Respondent active agents acting with his consent and approval, who engaged in electoral malpractices for and on behalf of the 1st Respondent.*

6. The Petitioner will further aver that the 1st Respondent and his agents and/ or NRPUP members acting with his consent and approval were engaging in severe malpractice relating to the swapping and manipulation of ballot papers in favour of the 1st Respondent. At one of the polling centers namely Chiwale secondary school, counting of votes were suspended for five (5) minutes because rejected votes were maliciously given to the 1st Respondent and his Party (NRPUP) party. In Chinambe ward at Luangazi Primary School a Complaint was logged to the Presiding Officer, the

second and third Complaints were logged at Murila Primary School in Mtilzi Ward and Nsangano Primary in Mphondwe Ward.

7. In response to the contents of paragraph 9, 10 and 11, the Petitioner I will repeat the contents of paragraphs 2, 3, 4, 5 and 6 above and the contents of the Election Petition filed and dated 28th August, 2026 in its entirety to the extent that the Petitioner's election as Member of Parliament for Nyimba North Constituency was marred with widespread corrupt and illegal practices, and intimidation at a grand scale and as a result the said illegal practices adversely affected the outcome of the election and prevented the majority of the voters in the entire Nyimba North Constituency from voting for the Petitioner as a candidate of their choice. Simply put, the misconduct and/or illegal practices instigated at the instance of the 1st Respondent were sufficiently widespread to prevent, or potentially prevent the majority of voters from electing the Petitioner as their preferred candidate.

8. SAVE the contents of the 1st Respondent's Answer, the Petitioner denies all the assertions and/or allegations contained in the said Answer and maintains that the reliefs sought in the Election Petition filed into Court and dated 28th August, 2026 be upheld.

Dated at Lusaka this 10th day of SEPTEMBER 2026.

Signed by the Petitioner: _____

MENYANI ZULU
(PETITIONER)

The Reply was drawn by Counsel of_____

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To: The 2nd Respondent

The Electoral Commission of Zambia

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IN THE HIGH COURT FOR ZAMBIA

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Civil Jurisdiction)



2026/HP/EP/011

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026.

IN THE MATTER OF: ARTICLE 73 (1) AND ARTICLE 45(2) (A) AND (B) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 THE LAWS OF ZAMBIA AS AMENDED BY ACT NO. 2 OF 2016.

IN THE MATTER OF: PART III AND RULE 9 (1) AND (2) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 (SI NO. 31 OF 2026).

IN THE MATTER OF: SECTIONS 81, 83, 87, 89, 96, 97(2), 98(C), 99(A), 100 (2) (A), OF THE ELECTORAL PROCESS ACT NO. 36 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026 [THE ELECTORAL PROCESS (AMENDMENT) ACT, 2026].

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) REGULATIONS, 2016

BETWEEN:

MENYANI ZULU (MALE)	PETITIONER
AND	
PAUL LUNGU (MALE)	1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA	2ND RESPONDENT

PETITIONER'S SKELETON ARGUMENTS IN SUPPORT OF REPLY TO THE 1ST RESPONDENT'S ANSWER

IF IT MAY PLEASE THIS HONOURABLE COURT, hereunder are the Petitioner's Skeleton in support of the Reply to the 1st Respondent Answer dated 07th September, 2026.

1.1 MY LODY/LADY, in the case of *Josephat Mlewa v. Eric Wightman* ([1995-97] Z.R. 171) the Supreme Court considered allegations of widespread corrupt and illegal practices, violence and intimidation. The Court recognised that where wrongdoing is of such a scale or nature that it adversely affects an election, the election may be void even where the successful candidate was not personally involved in the wrongdoing. In that case the Court held that:

> *"The question of personal knowledge is quite irrelevant and inapplicable under paragraph (a) where it does not matter who the wrong doer is, and the scheme of the law appears designed to protect the electorate and the system itself by providing for nullification whenever there is wrong doing which the court feels satisfied, perhaps because of the scale or type of wrong doing, probably adversely affected the election."*

1.2 **MY LORD/LADY**, further in the case of *Chrispin Siingwa vs. Stanley Kakubo (2016/CCA/A28; Appeal No. 7 of 2017) (20 August 2018)* the Court intimated that:

> "*election nullification requires a named agent or candidate involvement and proof that malpractices affected the majority of voters*".

1.3 **MY LORD/LADY**, in the present case the Petitioner submits that there were serious widespread wrong doings by the 1st Respondent and his agents acting with his consent and approval, and that the said illegal activities or wrong doings or malpractices had the effect of affecting the majority of voters in the whole of Nyimba North Constituency. The illegal activities or wrong doings include involved in the manipulation and swapping of votes in most of the polling stations. These illegal acts justify and/or warrants the Petitioner's prayer for an audit and recount of the votes cast contained in ballot boxes now in the custody of the 2nd Respondent.

1.4 **MY LORD/LADY**, we submit that in the present case the Petitioner submits that there is sufficient material to show that the 1st Respondent or his election agent or persons acting with the knowledge, consent and approval were involved in electoral malpractices whose effect is to affect the majority of voters in the whole of Nyimba North Constituency.

1.5 **MY LORD/LADY**, we submit that in the event that this Court does not order a recount, then the Court must make a declaration that the declaration by the 2nd Respondent that the 1st Respondent was duly elected as Member of Parliament for Nyimba North Constituency is *null and void.*

2.1 CONCLUSION AND PETITIONER'S PRAYER:

2.2 **MY LORD/LADY**, it is our submission that the allegation of electoral offence alleged to have been committed by the 1st Respondent shall be proven by the Petitioner at trial as there is sufficient material and/or evidence to overturn the elections and therefore this Petition must succeed.

WE ARE MOST OBLIGED!

Dated at Lusaka the 10th day of SEPTEMBER 2026.

The Petitioner's Skeleton Arguments were filed by Counsel of: _____

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2026/HP/EP/011

IN THE HIGH COURT OF ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(CIVIL JURISDICTION)

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026

IN THE MATTER OF: ARTICLE 73(1) AND ARTICLE 45(2)(a) AND (b) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 OF THE LAWS OF ZAMBIA, AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026, (SI NO. 31 OF 2026)

IN THE MATTER OF: SECTIONS 81, 83, 87, 89, 96, 97 (2) 99 (A), 100 (2) (A) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016, AS AMENDED BY ACT NO. 12 OF 2026 [THE ELECTORAL PROCESS (AMENDMENT ACT, 2026)

BETWEEN:

MENYANI ZULU — PETITIONER

AND

PAUL LUNGU — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

SKELETON ARGUMENTS IN SUPPORT OF 2ND RESPONDENTS ANSWER

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1. INTRODUCTION

1. These Skeleton Arguments are filed on behalf of the 2nd Respondent, the Electoral Commission of Zambia ("the Commission"), in opposition to the Petition challenging the parliamentary election held in Nyimba North Constituency on 13 August 2026.
2. The 2nd Respondent relies on its Answer to the Petition and the Affidavit in Opposition filed herein.
3. The 2nd Respondent's position is that the election was conducted pursuant to its constitutional and statutory mandate and that the Petitioner has failed to establish any ground upon which the election may lawfully be declared void.
4. The Petitioner's allegations include alleged vote buying, carrying or displaying weapons, disruption of political meetings, threats of violence and intimidation allegedly committed by the 1st Respondent

or his supporters. The 2nd Respondent denies knowledge of, participation in or responsibility for those alleged acts.

5. The 2nd Respondent denies knowledge of, participation in or responsibility for those alleged acts.
6. Another cloudy Petitioner's allegations is noncompliance of the electoral process act and attendant law governing overseeing and management of an election by designated officer.
7. In our view, the preceding allegation against the 2nd Respondent is the one worth advancing legal arguments against.
8. Therefore we frame the question that must be answered by this honorable courts as:

    (a) "whether there was any non-compliance by the 2nd Respondent in accordance under section 97(2) (b) and

    (b) whether any such noncompliance substantially affected the result of the election under contention.

(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

2. THE APPLICABLE LAW

6. ***Section 97(2) of the Electoral Process Act*** provides the statutory grounds upon which an election may be declared void.
7. The said law is couched as follows:

> ***97. (1) An election of a candidate as a Member of Parliament, mayor, council chairperson or councilor 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 councilor 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 omission did not affect the result of that election *(underlining is our for-emphasis's sake)*

8. Under section 97(2)(b), the Petitioner must establish establish non-compliance with the provisions of the Act relating to the conduct of elections and further establish that such non-substantially compliance affected the result.
9. In **Christine Phiri and Another v Melessiana Phiri and Another, CCZ/A 37 of 2021, [2022] ZMCC 41**, the Constitutional Court held that that non-compliance under section 97(2)(b) must be shown to have affected the result.
10. In doing so, the Court was breathing life into ***Section 97(4) of the Electoral Process Act*** which provides:

(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.

12. In this seminal case of **Christine Phiri and Another v Melessiana Phiri and Another**, the Constitutional Court further reiterated that the petitioner bears the burden of proving the allegations under section 97(2)(a) and (b) to the requisite standard.
13. Section 97(2)(b) concerns non-compliance with the provisions of the Electoral Process Act relating to the conduct of elections and requires proof that such non-compliance affected the result.
14. In ***Giles Chomba Yamba Yamba v Kapembwa Simbao, Electoral Commission of Zambia and Another, CCZ Appeal No. 12 of 2018, Selected Judgment No. 6 of 2018***, the Constitutional Court explained that section 97(2)(b) concerns non-compliance in the conduct of elections and the constitutional responsibility of ECZ for that conduct.
15. The principle was applied in **Nkonge v Nyemba**, where the Court recognised the distinction between misconduct attributable to a candidate under section 97(2)(a) and non-compliance in the conduct of an election under section 97(2)(b).

16. Accordingly, if the breach exist at all, the Petitioner is required to demonstrate how that breach affected the result.
17. The 2nd Respondent submits that the Court must distinguish between a proven irregularity and an irregularity sufficient to invalidate an election.
18. Further Section 97(4) recognises the principle of substantial compliance and protects an election from being invalidated merely because of an act or omission of an election officer where the statutory threshold for nullification is not met.
19. In ***Christine Phiri v Melessiana Phiri***, supra, the Constitutional Court likewise affirmed that non-compliance must be shown to have affected the result.
20. It follows that the Court should not nullify an election merely because an irregularity is alleged or even established. The Petitioner must demonstrate the statutory and causal connection between the irregularity and the result.
21. The 2nd Respondent has pleaded that it conducted and administered the Nyimba North Constituency parliamentary election in accordance with the Constitution, the Electoral Process Act and the applicable regulations and procedures.
22. The 2nd Respondent further states that the Presiding Officers at its Polling Stations lawfully announced the results and that the Returning Officer performed the statutory functions relating to aggregation and declaration.
23. The Petitioner is therefore put to strict proof of any allegation that those processes were unlawful or materially non-compliant and, overall, affected the results.

3. CONCLUSION

38. The 2nd Respondent respectfully submits that the Petitioner's case fails unless the Court is satisfied, upon cogent evidence and to the requisite standard, that there was non-compliance by the electoral machinery within section 97(2)(b), and that such non-compliance affected the result.
39. The 2nd Respondent submits that the allegations against it have not met that statutory threshold.
40. The 2nd Respondent accordingly prays that the Petition be dismissed with costs and that the election of the 1st Respondent as Member of Parliament for Nyimba North Constituency be upheld.

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

Prepared by: .....

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

2026/HP/EP/011

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026

IN THE MATTER OF: ARTICLE 73(1) AN ARTICLE 45(2)(A) AND (B) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 OF THE LAWS OF ZAMBIA AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) AND (2) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 (SI NO. 36 OF 2026)

IN THE MATTER OF: SECTION 81, 83, 87, 89, 96, 97(2) 98(C), 99(A), 100(2)(A) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026 THE PROCESS (AMENDMENT) ACT, 2026

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) REGULATIONS, 2016

BETWEEN:

MENYANI ZULU (MALE)	PETITIONER
AND	
PAUL LUNGU (MALE)	1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA	2ND RESPONDENT

1ST RESPONDENT'S SKELETON ARGUMENTS

MAY IT PLEASE THIS HONOURABLE COURT, these are the Skeleton Arguments in Support of the Answer to Election Petition and Affidavit filed on behalf of the 1st Respondent.

[1.0] INTRODUCTION

[1.1] This matter originates from the general election held on 13th August, 2026 for the Member of Parliament seat for Nyimba North Constituency, in which the 1st Respondent was duly declared the winning candidate in the fore stated election. The Petitioner since petitioned this Honorable

Court challenging *inter alia* the declaration of the 1st Respondent as Member of Parliament for Nyimba North Constituency. The 1st Respondent furthers the following Skeleton Arguments in Support of Answer to the Election Petition and Affidavit and shall demonstrate that the Election Petition lacks sufficient foundation, merit and ought to be dismissed.

[2.0] WHETHER OR NOT THE ELECTION OF THE 1ST REPSONDENT SHOULD BE NULLIFIED, IN ACCORDANCE WITH THE LEGAL REQUIREMENTS THEREIN:

[2.1] **MY LORD/LADY,** in the basis for nullifying an election for Member of Parliament where corrupt practice, illegal practice or other misconduct is alleged in an Election Petition is governed by the provisions of the ***Electoral Process Act*** under ***Section 97(2)***[1] , and provides the following guidance:

> ***"(2) The election of a candidate as 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 of and consent or approval of a candidate or of that candidate's election agent or polling agent; and the majority of voters in the constituency, district or ward were or may have been prevented from electing the candidate in that constituency, district or ward whom they preferred."***

Further ***Section 97(4) of the Electoral Process Act***[2] provides that:

> ***"(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***

[1] Act No. 35 of 2016.
[2] Ibid.

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."

[2.2] **MY LORD/LADY,** to properly outline the meaning of the fore stated provisions, reference is made to the Constitutional Court case of ***Musumba v Kamondo***[3] where it was stated that:

> *"The requirement in the current law for nullifying an election of a Member of Parliament is that a petitioner must not only prove that the respondent has committed a corrupt or illegal act or other misconduct or that the illegal act or misconduct complained of was committed by the respondent's election agent or polling agent or with the respondent's knowledge, consent or approval, but that he/she must also prove that as a consequence of the corrupt or illegal act or other misconduct committed, the majority of voters in the constituency were or may have been prevented from electing a candidate whom they preferred."*

In further reference and explanation, the case of ***Nkandu Luo v Doreen Sefuke Mwamba***[4] went on to hold that:

> *"Section 97(2) of the (Electoral Process) Act is central to the judicial resolution of electoral disputes...In order to successfully have an election annulled, there is a threshold to surmount. The first requirement is for the petitioner to prove to the satisfaction of the Court, that the person whose election is challenged personally or through his duly appointed election or polling agent, committed a corrupt practice or illegal practice or other misconduct in connection with the election; or that such malpractice was committed with the knowledge and consent or approval of the candidate or his or her election or polling agent... In addition, the petitioner has the further task of adducing cogent evidence that the electoral malpractice or misconduct was so widespread that it swayed or may have swayed the majority of the electorate from electing the candidate of their choice."*

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[3] (2017) 3 Z.R. 130.
[4] Selected Judgment No. 51 of 2018.

[2.3] **MY LORD/MY LADY,** applying the foregoing principles to the present case, the Petitioner's allegations are primarily grounded on allegations of alleged, vote buying, manipulation, and intimidation as well as a concerning the conduct of Presiding Officers at polling stations and other electoral officials in relation to the tallying, verification and announcement of results, in the facilitation of the electoral process and declaration of results therein. We however contend that, the Petitioner has not produced evidence supporting his allegations, demonstrating that the 1st Respondent personally or through individuals by his direction and with his consent or approval committed any corrupt practice, illegal practice or other misconduct, or that any such conduct was undertaken with his knowledge, consent or approval. It is therefore submitted that the Petition herein is not supported by sufficient, cogent and credible evidence capable of establishing reasonable ground upon which the election may be lawfully nullified. Thus, the Petition fails to satisfy either limb of the considerations provides for in the above cited law and statute.

[2.4] In further submission, **MY LORD/LADY,** it is not in contention that the 1st Respondent was a candidate in the 13th August, 2026 Parliamentary Election for Nyimba North Constituency, just like the Petitioner herein and not an election officer or official of any capacity. He neither counted the votes, verified the GEN20 Forms, controlled the tallying centre nor declared himself the winner of the elections. The declaration of the 1st Respondent as duly elected Member of Parliament for Nyimba North Constituency was made by the Returning Officer acting in official capacity upon completion of the electoral process. Therefore, the 1st Respondent played no role in the electoral process to any extent and the accusations of the Petitioner herein do not have sufficient evidence to show the involvement of the 1st Respondent herein and the Petition falls short of the criteria recognized in the fore cited law and ought to be dismissed as it fails to satisfy the requirements that warrant the nullification of an election.

[2.5] **MY LORD/LADY,** through the announcement of the election results shown in the official electoral documentation, including the Declaration of Results Form marked **"MZ1"** the 1st Respondent obtained 4,429 votes and the Petitioner obtained 3,721 votes, having a majority vote of 708 votes obtained by the 1st Respondent. In order for the Petitioner to prove his case,

he must present evidence that will satisfy the statutory conditions and allegations of irregularity depicting a connection of the same to the 1st Respondent and with proof of their effect on the electorate, to his disadvantage, threshold imposed by ***Section 97(2) of the Electoral Process Act.***[5] Therefore, it is submitted that the Petition fails to satisfy that limb of the considerations that warrant the nullification of election results, and it ought to be dismissed for lack of validity.

[2.6] **MY LORD/LADY,** to further demonstrate the insufficiency of the Petition herein it is imperative to refer to ***Section 97(4) of the Electoral Process Act***[6] which guides that an election is not to be lightly disturbed merely because an election officer may have committed an act or omission in the discharge of official duties. The primary consideration in relation to the fore stated provision is whether the election was substantially conducted in accordance with the law and whether the alleged act or omission affected the result.

[2.6.1] The 1st Respondent maintains that the Parliamentary election held in Nyimba North Constituency was conducted through transparent, orderly and prescribed electoral process which declared him duly elected candidate by the Returning Officer, in total compliance with the law. Therefore, it is submitted that the Petitioner has not demonstrated, on the facts pleaded, that any alleged irregularities are attributed to the 1st Respondent or that it prevented the majority of voters from electing the candidate of the choice.

[2.6.2] **MY LORD/LADY,** on that basis, the 1st Respondent respectfully submits that the statutory threshold for nullifying his election has not been established or demonstrated by the Petitioner and that the Petition seeking to have election nullified ought to be dismissed for lack of merit. Therefore, having submitted that the election of the 1st Respondent as duly elected Member of Parliament of Nyimba North was conducted and concluded on merit, the Petition fails and the election and its attendant results ought not to be disturbed unless the Petitioner proves the grounds upon which the law permits a solemn result to be overturned.

[3.0] STANDARD OF PROOF IN NULLIFICATION OF AN ELECTION

[3.1] **MY LORD/LADY,** it is settled principle that the applicable standard of proof in an election petition is higher than that required in an ordinary civil action but lower than the standard of

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[5] Supra note 1.
[6] No. 35 of 2016.

beyond reasonable doubt required in criminal matters. Furthermore, the evidence adduced in support of the allegations made must prove issues raised to a fairly high degree of convincing clarity. This position of the law was restated by the constitutional Court in the case of ***Mutapwe v Shomeno***[7] where we held that:

> ***"The petitioner in an election, just as in any other civil matter, bears the burden to prove the electoral offence complained of. However, the standard of proof in an election petition is higher than that required in an ordinary civil action. The evidence adduced in support of the allegations made in an election petition must prove the issues raised to a fairly high degree of convincing clarity."***
> (emphasis ours)

From the above guidance, it is submitted that the burden of proof for election related matter rests upon the Petitioner to prove that the electoral offence complained of, and mere allegation, suspicion or assertions of illegality do not suffice to discharge this burden. Therefore, evidence adduced in support of a Petition, as that *in casu* must be of a high degree of convincing clarity, higher than the regular standard of proof in civil proceedings but lower the proof beyond reasonable doubt observed in criminal proceedings.

[3.2] Therefore, the 1st Respondent submits that the Petition has failed to discharge the burden of proof, as the allegations contained in the Petition and the Affidavit Verifying Facts remain largely assertions concerning the conduct of Returning Officer and electoral officials and various polling stations, in the absence of cogent evidence demonstrating that the 1st Respondent personally committed, authorized, consented to or had knowledge of any corrupt practice, illegal practice or other misconduct. Neither has the Petitioner demonstrated that any alleged irregularity was sufficiently material nor widespread as to prevent the majority of the voters in Nyimba North Constituency from electing the candidate of their choice. Therefore, in the absence of such proof, the threshold for disturbing the election duly declared by the Returning Officer has not been met, thus, the Petition fails to establish any reasonable validity

[7] Appeal No. 19 of 2017.

to have election of the 1st Respondent nullified herein and ought to be dismissed for lack of merit.

[4.0] CONCLUSION:

[4.1] **MY LORD/MY LADY**, in conclusion, the 1st Respondent respectfully submits that the Petitioner has not placed before this Honourable Court the cogent and convincing evidence required to unsettle an election duly conducted and declared. The Petition rests upon allegations largely concerning the alleged conduct of the 1st Respondent, his agents, and electoral officials, without sufficient evidence connecting the 1st Respondent to any unlawful act or demonstrating that any alleged irregularity affected the will of the majority of the electorate. Therefore the 1st Respondent humbly prays that this Honourable Court upholds the declaration of **PAUL LUNGU** as the duly elected Member of Parliament for Nyimba North Constituency and dismiss the Petition with costs.

Dated at Lusaka this _____day of _____ 2026.

This document was settled by: _____

Messrs Joseph Chirwa and Company
Plot No. 10426 Manda Hill Road, Behind
Manda Hill Mall, Olympia Park
Tel: +260975756793
Email: admin@chirwalaw.com
LUSAKA
ADVOCATES FOR THE 1ST RESPONDENT

To: **The Petitioner and her Advocates**
Messrs Wallace & Company Legal Practitioners
Plot No. 43, Unit 2, Makani Street
Off Central Street & Great East Road
Jesmondine
LUSAKA

The 2nd Respondent
The Electoral Commission of Zambia
Elections House, Haile Selassie Avenue,
P.O. Box 50274
LUSAKA

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP/011**

IN THE HIGH COURT OF ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(CIVIL JURISDICTION)

2026/HP/EP/011

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026

IN THE MATTER OF: ARTICLE 73(1) AND ARTICLE 45(2)(a) AND (b) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 OF THE LAWS OF ZAMBIA, AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026, (SI NO. 31 OF 2026)

IN THE MATTER OF: SECTIONS 81, 83, 87, 89, 96, 97 (2) 99 (A), 100 (2) (A) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016, AS AMENDED BY ACT NO. 12 OF 2026 [THE ELECTORAL PROCESS (AMENDMENT ACT, 2026)

BETWEEN:

MENYANI ZULU — PETITIONER

AND

PAUL LUNGU — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

REPUBLIC OF ZAMBIA PRINCIPAL REGISTRY P.O. BOX 50067, LUSAKA

2ND RESPONDENT'S AFFIDAVIT IN OPPOSITION TO THE ELECTION PETITION

I, Simon Kaonga, a Zambian National of house number 16, Nyimba Boarding, in the Nyima District of Eastern Province of the Republic of Zambia, **DO HEREBY MAKE OATH** and **SAY** as follows:

1. That my particulars and residential address are as stated above.
2. That I am an agent of the 2nd Respondent and was the Returning Officer for Nyimba North Constituency in Nyimba District, the subject matter of this petition, whereof I am authorized and competent to swear to this my affidavit.
3. That I have studied the Petitioners affidavit in support of petition and respond that I have no knowledge of the matters personal to the Petitioner contained therein and accordingly.
4. That I admit that parliamentary elections for Nyimba North Constituency were held on 13 August 2026.

5. That the election was conducted pursuant to Electoral Commission of Zambia constitutional and statutory mandate.
6. That I admit that the 1st Respondent was declared duly elected Member of Parliament for Nyimba North Constituency, subject to the official electoral record.
7. That that the said declaration was lawful or regular.
8. THAT the election results were not in any way manipulated, swapped or unlawfully altered.
9. THAT they was no irregularity perpetrated by the 2nd Respondents officials or occurred in the manner alleged by the Petitioner.
10. THAT the Petitioner's allegations concerning alleged bribery, distribution of money, drinks, pens, biscuits and other inducements are allegations against the 1st Respondent, his agents, supporters and other named individuals, and the 2nd Respondent has no basis to admit those allegations.
11. THAT as far as I am concerned there were no intimidation, threats and inflammatory statements at various polling stations known to me nor perpetrated by he 2nd Respondent, its officers or officials.
12. THAT the 2nd Respondent, its officers or officials never acted with the intention of unlawfully favouring the 1st Respondent.
13. THAT the petitioner's alleged irregularities, even if established, will not automatically demonstrate that the declared result was not a true reflection of the votes lawfully cast.
14. THAT the 2nd Respondent did not fail in its constitutional or statutory duty in the conduct, counting, collation or declaration of the election.
15. THAT in the premises, the Petitioner's allegations against the 2nd Respondent are unsubstantiated and the Petition ought to be dismissed insofar as it seeks relief against the 2nd Respondent.
16. THAT I swear this Affidavit in good faith believing the facts stated herein to be true and correct to the best of my knowledge, information and belief.

SWORN BY THE SAID)
SIMON KAONGA)
AT LUSAKA THIS)
7 DAY OF Sept 2026)

_____
DEPONENT

BEFORE ME: _____
COMMISSIONER FOR OATH

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
07 SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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

2026/HP/EP/011

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026

IN THE MATTER OF: ARTICLE 73(1) AN ARTICLE 45(2)(A) AND (B) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 OF THE LAWS OF ZAMBIA AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) AND (2) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 (SI NO. 36 OF 2026)

IN THE MATTER OF: SECTION 81, 83, 87, 89, 96, 97(2) 98(C), 99(A), 100(2)(A) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026 THE PROCESS (AMENDMENT) ACT, 2026

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) REGULATIONS, 2016

BETWEEN:

MENYANI ZULU (MALE) — PETITIONER

AND

PAUL LUNGU (MALE) — 1ST RESPONDENT

ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

AFFIDAVIT IN OPPOSITION TO AFFIDAVIT VERIFYING FACTS

I, **PAUL LUNGU,** a Zambian National of Ndema Village of Chief Luembe, Nyimba in the Eastern Province of the Republic of Zambia **DO HEREBY** make **OATH** and **SAY** as follows:

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

2. That I am the 1st Respondent herein and thus competent to swear this my Affidavit from facts within my personal knowledge and belief.

3. That I have had sight of the Petitioner's Affidavit Verifying Facts, sworn by the Petitioner, Menyani Zulu, and wish to respond as follows hereunder.

4. That from the onset I wish to state that I was duly elected as Member of Parliament for Nyimba North, in an election that was held freely and fairly, and which result reflects the true intention of the majority as to who their preferred candidate was.

5. That I verily believe that the Petitioner's affidavit contains gross allegations of alleged malpractice allegedly undertaken by myself on election day at various places with thin the constituency, therefore I wish to state that on the date of the election I attended to cast my vote at my polling station following which I returned home to wait out the vote counting process and declarations of the results.

6. That in responding directly to the Petitioner's allegations raised in the Affidavit Verifying Facts, I wish to state as follows:

7. That Paragraphs 1-8 are not in dispute.

8. That I deny the contents of Paragraph 9 in their entirely as I never participated nor did my agents participate in any illegal and corrupt practices through the entire election, and as a result I was declared as the duly elected as Member of Parliament for Nyimba North constituency.

9. That contrary to the assertions made in Paragraph 10 and 11, I am fully aware that there was no form of malpractice at the time of the vote count, such as swapping of ballots in my favour, but that the vote count led to a true and accurate declaration of the number of votes tallied by each candidate in the election.

10. That further to the above no ballot papers were misplaced and or swapped so as to manipulate the votes in my favour. I verily believe that the declaration of results expresses a true account of the votes cast in the election.

11. That the contents of Paragraphs 10 and 11 are therefore is false in every aspect, and utterly malicious as neither did myself nor my agents engage in any acts of intimidation against voters or stakeholders in the election prior to, on the date of the election or after the election day.

12. That in response to paragraph 12 I am not aware of any attempts the Petitioner made to contest the results of the election other than the through the commencement of this action.

13. That Paragraph 13 is denied and I repeat the contents of Paragraphs 9-11 of this my affidavit above.

14. That I deny the contents of Paragraph 14 as neither did myself nor my agents engage in vote buying by the distribution of pens and food to the electorates on voting day or any other day throughout the campaign and election period.

15. That I vehemently deny the contents of Paragraph 15 and will put the Petitioner to strict poof of his false allegations.

16. That I verily believe that Paragraph 16 is false in every aspect, as neither myself nor my agents engaged in any form of bribery at the said polling station or anywhere throughout Nyimba North Constituency.

17. That further the said Donald Banda is member of the Resolute Party which is in fact a member of the UPND alliance.

18. That in response to Paragraph 17 and 18 I wish to state that neither myself nor my agents engaged voters on the polling today and instructed them to vote for myself, or gave them money, drinks or pens so as to induce them to vote for myself.

19. That further I have not been summoned or appeared before police officers in answer to any such allegation.

20. That I deny the contents of Paragraph 19 and 20 as neither myself nor my agents engaged in any form of intimidation of the Petitioner, his agents, or supporters and of the voters.

21. That further to the above I do not even know the individuals named in Paragraph 19 of the Petitioner's verifying affidavit.

22. That I deny the contents of Paragraph 21 as the same is malicious and a falsehood. As a matter of fact, the NRPUP symbol is not a candle but lamp.

23. That I very believe that candles were used as symbols by various independent candidates in the election of which I am not.

24. That vehemently deny the contents of Paragraph 22, as my campaign message was largely based on the development, I seek to bring to Nyimba North constituency and its electorate regardless of their individual party affiliations and political bias.

25. That further to the above, I have never used the death of President Edgar Lungu as a campaign tool to my advantage as I have extreme respect for the late and his family.

26. That I vehemently deny the contents of Paragraph 23 as I verily believe that the declaration of my election as Member of Parliament for Nyimba North truly and accurately reflects the majority choice of the people of Nyimba North constituency, who freely cast their votes in the said election.

27. That I verily believe that the Petitioner is not entitled to any of the reliefs set out in the Petition.

28. That I verily believe this is a ripe case in which this Honourable Court should dismiss the Petition.

29. That I depose to the foregoing paragraphs verily believing the same to be true and correct to the best of my knowledge and belief.

SWORN by the said)
PAUL LUNGU)
at Lusaka this _____ day)
of _____ 2026)

_____
DEPONENT

BEFORE ME: _____

COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
07 SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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

2026/HP/EP/011

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

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026.

IN THE MATTER OF: ARTICLE 73 (1) AND ARTICLE 45(2) (A) AND (B) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 THE LAWS OF ZAMBIA AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) AND (2) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 (SI NO. 31 OF 2026).

IN THE MATTER OF: SECTIONS 81, 83, 87, 89, 96, 97(2), 98(C), 99(A), 100 (2) (A), OF THE ELECTORAL PROCESS ACT NO. 36 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026 [THE ELECTORAL PROCESS (AMENDMENT) ACT, 2026].

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) REGULATIONS, 2016

BETWEEN:
MENYANI ZULU (MALE) — PETITIONER

AND

PAUL LUNGU (MALE) — 1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

AFFIDAVIT IN REPLY

To the 1st Respondent's Affidavit in Opposition to Affidavit Verifying Facts in the Petition

---

I, MENYANI ZULU of Plot No. 713, Moza, Nyimba in the Nyimba District of Eastern Province of the Republic of Zambia DO make OATH and say as follows:

1. THAT my full name and address are as stated above.

2. THAT I am a Zambian National.

3. THAT I am the Petitioner in the above matter by virtue of which I am competent to swear to this my Affidavit.

4. THAT I have read what purports to be the 1st Respondent's Affidavit in Opposition to Affidavit Verifying Facts in relation to Nyimba North Parliamentary Election Petition and I respond as here below:

5. THAT the contents of paragraphs 1,2 and 3 are not in issue.

6. THAT contrary to the assertion contained in paragraph 4 of the 1st Respondent's said Affidavit, I shall state that the election leading to the declaration of the 1st Respondent as a duly elected Member of Parliament for Nyimba North Constituency was not free and fair election as a result of widespread corrupt and illegal practices and intimidation instigated at the instance of the 1st Respondent. The said wrongdoings were of such a scale or nature that it adversely affected a fair outcome of the election as the electorates were prevented from freely and fairly choosing a candidate of their choice.

7. THAT the contents of paragraph 5, 6, 7 and 8 are within the peculiar knowledge of the 1st Respondent save to state that I will repeat the contents of paragraph 6 above with the addition that the said widespread corrupt or illegal conducts were directly connected to the 1st Respondent or his agents whom he directly or indirectly authorised to perpetrate the acts complained of.

8. THAT as regards the contents of paragraph 9, 10, 11, 12 and 13, the malpractice relating to the swapping and manipulation of ballot papers in favour of the 1st Respondent was so severe and I verily believe in truth that if this Court ordered the recount request in my Petition, I will prove the severity of the said vote swapping and manipulation. Further, I shall state that at the totaling centers counting of votes were suspended for five (5) minutes because rejected votes were maliciously given to the 1st Respondent and his Party (NRPUP).

9. **THAT** following the concerns raised in paragraph 8 above, in Chinambe ward at Luangazi Primary School a Complaint was logged to the Presiding Officer, the second and third Complaints were logged at Murila Primary School in Mtilizi Ward and Nsangano Primary in Mphondwe Ward.

10. **THAT** with respect to the contents of paragraph 14, 15 and 16 of the 1st Respondent's Affidavit, I will reiterate the 1st Respondent and the persons mentioned in my Affidavit verifying facts were enganged in corrupt practices, illegal practices that included bribery, unlawful influence or other prohibited electoral practices. Witnesses are there to the effect that the 1st Respondent and his known agents and party members were seen on widespread scale distributing pens and food to the electorates on the voting day to entice them to vote for the 1st Respondent, an act which I verily believe is against the permitted electoral practices.

11. **THAT** in addition, on the 12th August, 2026 (voting day eve) the 1st Responded was seen giving salt to the electorates after 19:00 hrs and witnesses are they to prove what he was doing while driving a white mini bus with registration number **AIE 1116ZM.**

12. **THAT** contrary to the assertion contained in paragraph 17 of the 1st Respondent's Affidavit, I shall state that I am not aware that Resolute Party joined UPND Alliance except that the said political Party is a member of the Tonse Alliance and the sponsoring party to the NRPUP's running mate Mr. Makebi Zulu.

13. **THAT** regarding the contents of paragraphs 18, 19 and 20 of the 1st Respondent' Affidavit, I will repeat the contents of paragraphs 6, 7 8 ,9 and 10 above.

14. **THAT** in response to the contents of paragraphs 21 and 22, the 1st Respondent's denial of headmen Jeke, Mayembe, Matalika, Kaviyeni and Nduna-Martha Malunga is extremely regrettable because the said persons are his fellow Party members and his agents, the said persons have been working with the 1st Respondent in a Committee for our NSENGA Tradition Ceremony (TUWEMBA) up to now, so clearly the 1st Respondent knows the aforesaid persons. However, this goes to show the extent of the 1st Respondent's lack of sincerity, truthfulness, credibility and honestness.

15. **THAT** in response to the contents of paragraph 23, I will restate that "candle" was typographic error in my Affidavit verifying facts and what was meant to be written was ***nyali*** which means lamp.

16. **THAT** in response to the contents of paragraph 24, 25, 26 and 27, I will repeat the contents of paragraphs 6, 7, 8, 9 and 10 above and my Affidavit Verifying Facts dated 28th August, 2026 to the extent that the 1st Respondent's election as Member of Parliament for Nyimba North Constituency was marred with widespread corrupt and illegal practices, and intimidation and as a result of the same, it adversely affected the outcome of the election. The misconduct was sufficiently widespread to prevent, or potentially prevent the majority of voters from electing their preferred candidate.

17. **THAT** I beseech this Honorable Court to grant the reliefs sought in my Petition.

18. **THAT** the contents of this Affidavit are true and correct to the best of my knowledge, information and belief.

SWORN by the said **MENYANI ZULU**)_____
At Lusaka the 10th day of SEPTEMBER 2026) Deponent's Signature

Before Me: _____
Commissioner for Oaths

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
10 SEP 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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

2026/HP/EP/ 011

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

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026.

IN THE MATTER OF: ARTICLE 73 (1) AND ARTICLE 45(2) (A) AND (B) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 THE LAWS OF ZAMBIA AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) AND (2) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 (SI NO. 31 OF 2026).

IN THE MATTER OF: SECTIONS 81, 83, 87, 89, 96, 97(2), 98(C), 99(A), 100 (2) (A), OF THE ELECTORAL PROCESS ACT NO. 36 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026 [THE ELECTORAL PROCESS (AMENDMENT) ACT, 2026].

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) REGULATIONS, 2016

BETWEEN:
MENYANI ZULU (MALE) — PETITIONER

AND

PAUL LUNGU (MALE) — 1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

AFFIDAVIT VERIFYING FACTS IN THE PETITION

I, MENYANI ZULU of Plot No. 713, Moza, Nyimba in the Nyimba District of Eastern Province of the Republic of Zambia DO make OATH and say as follows:

1. THAT my full name and address are as stated above.

2. **THAT** I am a Zambian National.

3. **THAT** I am the Petitioner in the above matter by virtue of which I am competent to swear to this my Affidavit.

4. **THAT** I am a member of a political party namely the United Party for National Development (hereinafter referred to as the **"UPND"**) and was sponsored as an adopted candidate by the said UPND in respect of the Parliamentary Elections for Nyimba North Constituency which took place on 13th August, 2026.

5. **THAT** there were three (3) Parliamentary Candidates for Nyimba North Constituency Parliament Elections including the Petitioner who successfully filed their nomination and participated in the said Elections as follows:

No.	Name of Candidate	Party Ticket
1	Paul Lungu	NRPUP
2	Menyani Zulu	UNPD
3	Reuben Chombo	RP

6. **THAT** the 1st Respondent was also a Parliamentary Candidate standing on the National Reconciliation Party for Unity and Prosperity (hereinafter referred to as the **"NRPUP"**) sponsorship ticket and participated as such in the 13th August 2026 General Elections for Nyimba North Constituency in the Eastern Province of the Republic of Zambia.

7. **THAT** the said Election was conducted by the 2nd Respondent herein the Electoral Commission of Zambia (hereinafter referred to as the "**ECZ**") an Electoral Body Established pursuant to Article 229 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 (hereinafter referred to as the **"Constitution"**) and the Electoral Process Act No. 35 of 2016 (hereinafter referred to as "**Electoral Process Act**").

8. **THAT** on 14th August, 2026 of the Electoral Commission of Zambia through its Returning Officer for Nyimba North Constituency **Mr. Kaonga Simon** declared the results of the said Nyimba North Constituency. There is now produced and shown to me Gen20b marked **"MZ1"** being the declaration of the results of the poll.

9. **THAT** I shall state that the 1st Respondent and his appointed agent together with persons directly linked to the 1st Respondent and also to his appointed agent and acting upon the instructions and directions of the 1st Respondent and also to his appointed agent, engaged in widespread corrupt, illegal practices immediately before elections, during elections on the

polling/voting day contrary to the provisions of Part VIII of the Electoral Process Act No. 35 of 2016, the Electoral Code of Conduct, and contrary to the provisions of the Constitution in that he was involved in bribery, undue influence, threats, intimidation, hate speech against the Petitioner and the UPND and its President, and further he conducted campaigns at polling stations on the voting day in all the wards in Nyimba North Constituency.

10. **THAT** there was manipulation, swapping of ballots and/or votes cast, and several errors, omissions, mistakes in the counting of votes at polling stations by the 2nd Respondent which were so widespread in the following: Mtiliz Ward; Mphundwa Ward; Chinambe Ward; Kapita Ward; Katipa Ward; and Kaliwe Ward. The above itemize malpractices warrants an order for a recount of the ballots cast.

11. **THAT** on 13th and 14th August 2026 at the polling stations, the Petitioner's agents were intimidated and as a result, the totaling of the results was marred with serious manipulation, fraud and swapping of ballots to the extent that some of the valid votes for the Petitioner were disproportionately declared as invalid votes and some of the invalid votes were given to the 1st Respondent to give him undue advantage. In some areas where the Petitioner was leading, his votes were calculatingly given the 1st Respondent in a clear attempt to give the 1st Respondent an advantage over the Petitioner just to ensure that the Petitioner loses the elections. For instance, at Mambo Primary School which had two streams, the Petitioner was leading and all of a sudden, the 1st Respondent was given the votes as the leading candidate.

12. **THAT** further, the Petitioner's agents contested the results announced at the polling centers but despite the clear communication to the Presiding Officer and the Returning Officer, the 2nd Respondent's officials refused to heed the objections and instead proceeded to declare the 1st Respondent as having been duly elected Member of Parliament for Nyimba North Constituency, when in fact not.

13. **THAT** furthermore, manipulation, swapping of ballots and/or votes cast, and several errors, omissions, mistakes in the counting of votes and tabulation of results by the Respondent which were so widespread in the following: Mtiliz Ward; Mphundwa Ward; Chinambe Ward; Kapita Ward; Katipa Ward; and Kaliwe Ward. The above itemize malpractices warrants an order for a recount of the ballots cast.

14. **THAT** the 1st Respondent and his agents acting under his directions were distributing money to electorates during campaigns and on the polling day to entice the electorates to vote for him to the extent that there are witnesses who received the said money and were told not to vote for the Petitioner but instead, to vote for the 1st Respondent. One of the Respondent's agent/supporters known as Frank Mwanza was seen distributing money and pens to electorates during the polling day at Nsangano, Mpundwe and Kanyena Polling Stations 1 and 2. This vice of vote buying, distributions of drinks, pens, biscuits on 13th August, 2026 characterised the 1st Respondent's illegal campaign tactics throughout Nyimba North Constituency.

15. **THAT** on 12th August, 2026, in Chinambi Ward at Makopa village and other surrounding villages the 1st Respondent was seen in the evenings of 12th August 2026 distributing salt to entice electorates to vote for him come the voting day and on 13th August, 2026 on voting day the 1st Respondent's agents were seen distributing money.

16. **THAT** in Mpundwe Ward at Mpundwe Polling Station, the 1st Respondent through Mr. Donald Banda (who was a candidate for RP which is part of the Tonse Alliance) acting under his direct instructions and orders was seen enticing electorates within the Polling centre premises by distributing Pens, and were given biscuits and K50.00 notes to the electorates before each one of them could vote, and they were further promised that they would be given Inshima with chicken after voting as a token of appreciation for voting to the 1st Respondent. After Petitioner's Agent noticed this vice, he informed the Police Officer who intervened and ordered the said Mr. Donald Banda and his team to leave voting premises. They relocated to a nearby stream wherein they continued giving people the money, salt and pens. Furthermore, Induna (Headman) Joshua Alfred Mumba from Siwowa village in a bid to solicit for votes for the 1st Respondent and his Party NRPUP was also seen distributing Pens and Salt to electorates as they were heading to the Polling Stations with a message to vote for the 1st Respondent "**pa nyali" (meaning lamp-light)** under NRPUP.

17. **THAT** on 13th August, 2026 at Kanyena Polling Station (Streams 1 and 2) and within the Polling premises, Donald Banda was seen distributing drinks, biscuits to electorates and promised them that after voting they should come and be given food to eat. Donald Banda was being assisted by other persons namely: Michael Mumba, Foster Mwanza and Michael Banda who

were all acting under the direction and/or instructions directly obtained from the 1st Respondent. When Mr. Ezekiel Zulu (UPND Member) approached the said persons aforementioned and warned them that the activities they were doing were an affront to the electoral laws, they told him that UPND and the Petitioner had already lost because the voters/electorates were already bought and were in the pockets of the 1st Respondent and **"pa nyali."** Consequently, the said persons continued whilst saying that "this is a revolutionary year and we have already won.

18. **THAT** at Murila Polling Station, on 13th August, 2026, two (2) persons namely; Grand Lungu and Gift Chaipa (both from Lusaka) but acting for and on behalf of the 1st Respondent with his express instructions were seen distributing pens and money. Furthermore, a person known as Special Daka was also seen burning the UPND regalia before the election day but throughout the campaign period. This case was reported to Nyimba Police Station and is pending Investigations.

19. **THAT,** at Chinambi Polling Station in Chinambi Ward, Headmen Jeke, Mayembe, Mutalika and Kaviyeni were campaigning around the Polling Station premises on behalf of the 1st Respondent from around 05:00hrs to 16:00hrs. The said headmen were intimidating, threatening and misleading unsuspecting electorates that they have a system in place that will show how people are voting and that anyone who would vote for the Ruling Party UPND and the Petitioner herein would be seen, noticed and punished and denied benefits when the Petitioner's Party UPND is kicked out power because the Petitioner and his party UPND had already lost elections.

20. **THAT** the 1st Respondent and his agents and persons acting under his direct instructions particularly in Chinambi Ward at Makopa village used intimidatory language during campaigns and on the polling day on 13th August 2026 to the electorates by threatening them that anyone who would vote for any UPND candidate including the Petitioner herein, would be chased from the village to follow the UPND President Mr. Hakainde Hichilema in Southern Province.

21. **THAT** on 13th August, 2026, the 1st Respondent and his agents and persons acting under his direct instructions namely; Induna Malunga Martha, after voting at Simalama Polling Station started instructing people to vote for the 1st Respondent and on the **"Nyali"** (meaning the Candle sign for NRPUP) the 1st Respondent's Party symbol. The 1st Respondent was further

head telling electorates that the Petitioner and his Party were a bunch criminals and dogs who never deserved even a single vote from Eastern Province. These comments connote serious hate speech against the Petitioner and his Party UPND. This was the same situation at in Kaliwe Ward at Chiwala Polling Station where persons by the name of: Smart Phiri, Nenancial Sakala and one Police Officer were telling electorates to vote for the 1st Respondent and his Party on the voting days.

22. **THAT** the 1st Respondent's campaign message was based on character assassination, divisiveness, hate speech, intimidation, threats, inflammatory or tribal remarks and/or sentiments to the extent that he was heard telling electorates that it was a taboo to vote for the Petitioner who was in association with a Political Party (UPND) and President who are responsible for the late President's Edgar Lungu's failed burial in Zambia owing to the fact that the said Edgar Lungu is from Eastern Province and Nsenga tribe and that in Nsenga land, we should make sure that nobody votes for the Petitioner. The 1st Respondent was also heard telling people that voting for NRPUP and the 1st Respondent was the only way the said former President Edgar Lungu would be buried in Zambia and that his spirit will haunt any person who will not vote for the 1st Respondent and his Party for betrayal. Furthermore, at Mtilizi Ward, Mtilizi Polling Stations, Induna Daniel Lackson Lungu was heard telling electorates on the voting day that they should not vote the Petitioner and his UPND because Tongas are salvages and criminals.

23. **THAT** as a consequence of the aforesaid illegal practices committed by the 1st and 2nd Respondent and their agents and supporters, the majority of the voters within *Nyimba North Constituency* in many polling stations were prevented from exercising their freedom and right to choose a candidate of their choice and further that some electorates who voted for the Petitioner had either their votes irregularly invalidated or fraudulently swapped in favor of the 1st Respondent. Furthermore, in most polling station, rejected and/or spoilt ballots were treated as valid votes cast and allocated or given to the 1st Respondent to assist him win the elections. The Petitioner's polling Agent at Chiwale polling station confronted the presiding officer and raised serious objections about the treatment of rejected or spoilt ballots as valid votes cast and thereafter allocating them to the 1st Respondent. Nevertheless, his objections were ignored.

24. **THAT** I beseech this Honorable Court to grant the reliefs sought in the Petition hereof.

25. **THAT** the contents of this Affidavit are true and correct to the best of my knowledge, information and belief.

SWORN by the said **MENYANI ZULU**)_____
At Lusaka the 28 day of Aug, 2026) Deponent's Signature

BFEORE ME: .....
COMMISIONER FOR OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
28 AUG 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

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

2026/HP/EP/011

IN THE MATTER OF: AN ELECTION PETITION RELATING TO THE PARLIAMENTARY ELECTION FOR NYIMBA NORTH CONSTITUENCY IN EASTERN PROVINCE OF THE REPUBLIC OF ZAMBIA, HELD ON 13TH AUGUST, 2026.

IN THE MATTER OF: ARTICLE 73 (1) AND ARTICLE 45(2) (A) AND (B) OF THE CONSTITUTION OF ZAMBIA, CHAPTER 1 THE LAWS OF ZAMBIA AS AMENDED BY ACT NO. 2 OF 2016

IN THE MATTER OF: PART III AND RULE 9 (1) AND (2) OF THE HIGH COURT (ELECTION PETITION) RULES, 2026 (SI NO. 31 OF 2026).

IN THE MATTER OF: SECTIONS 81, 83, 87, 89, 96, 97(2), 98(C), 99(A), 100 (2) (A), OF THE ELECTORAL PROCESS ACT NO. 36 OF 2016 AS AMENDED BY ACT NO. 12 OF 2026 [THE ELECTORAL PROCESS (AMENDMENT) ACT, 2026].

IN THE MATTER OF: THE ELECTORAL PROCESS (CODE OF CONDUCT) REGULATIONS, 2016

BETWEEN:
MENYANI ZULU (MALE) — PETITIONER
AND
PAUL LUNGU (MALE) — 1ST RESPONDENT
ELECTORAL COMMISSION OF ZAMBIA — 2ND RESPONDENT

CERTIFICATE OF EXHIBITS

These are the true and correct copies of the exhibits referred to in the Affidavit of one **MENYANI ZULU** now produced and shown to me marked **"MZ/1"**.

Dated at Lusaka this 28 day of Aug, 2026.

BEFORE ME: _____
COMMISSIONER FOR OATHS

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
28 AUG 2026
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

"MZ1"

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 - Member of Parliament

I, KAONGA SIMON being the Returning Officer for NYIMBA NORTH Constituency, NYIMBA 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)
LUNGU Paul	NRPUP	4,429	Four Thousand Four Hundred and Twenty-Nine
ZULU Menyani	UPND	3,721	Three Thousand Seven Hundred and Twenty-One
CHOMBO A Reuben	RP	3,444	Three Thousand Four Hundred and Forty-Four

I further declare that a total of 453 ballot papers have been rejected as invalid and that a total of 12,047 Votes were cast.

I therefore declare that the said LUNGU Paul to be this day duly elected as Member of Parliament for NYIMBA NORTH Constituency.

Dated this 14 day of August, 2026 Signature: .....

Witnessed by:

Name	Organisation	Signature	Name	Organisation	Signature
S. ZIWA	CARITAS	[signature]	Zulu Eunice M	NGOCC	[signature]
Paul Lungu	NRPUP	[signature]			
M. Chambach	NRPUP	[signature]			
Zulu MARX	NGOCC	[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.

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