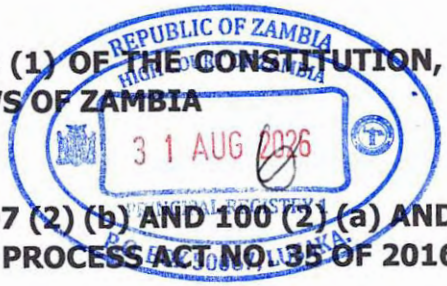
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IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

2026/ HP/EP/032



IN THE MATTER OF: **ARTICLE 73 (1) OF THE CONSTITUTION, CHAPTER 1 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **SECTIONS 97 (2) (b) AND 100 (2) (a) AND (3) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016**

AND

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

AND

IN THE MATTER OF: **PARLIAMENTARY ELECTIONS FOR LUSAKA CENTRAL HELD ON THE 13TH DAY OF AUGUST, 2026 AND RESULTS DECLARED ON 17TH AUGUST 2026.**

BETWEEN:

CHARITY CHANDA LUMPA	**PETITIONER**
AND	
MUSAIWALE MLEWA	**1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

ELECTION PETITION

ELECTION FOR LUSAKA CENTRAL PARLIAMENTARY SEAT HELD ON THE DAY OF 13TH AUGUST 2026

The Petition of **CHARITY CHANDA LUMPA,** whose address for service is No. 88 Independence Avenue, in the Lusaka District of the Lusaka Province of the Republic of Zambia, **SHOWS THAT:**

1. Your Petitioner is a person who was a candidate at the aforesaid election.
2. And your Petitioner states that the election was held on the 13th Day of August 2026 where the Petitioner Lumpa Charity, the 1st Respondent Mlewa Msaiwale, Bwanga Mwila, Kapai Morgan, Mwanza Simon, Nsunge Andrew, Phiri Balwin, Siame

Phillip, Sikazwe Moses and Zulu Dabwitso were candidates and the Returning Officer has returned the 1st Respondent as being duly elected.

3. The electoral process for the Parliamentary Elections in Lusaka Central Constituency were not conducted in keeping with the principles of electoral system as provided for in section 3 of the Electoral Process Act No. 35 of 2016 (hereinafter referred to as the "EPA"), particularly:
    a. The Petitioner was denied opportunity to transparently monitor the counting of votes and totaling of results following the 2nd Respondent's suspension of vote counting and totaling;
        i. On the morning of 14th August 2026, the 2nd Respondent announced its decision to suspend vote counting and totaling in all polling and totaling centers nationwide stating that the decision was to be reviewed in 24 hours. Representatives of political parties [including Agents of the Resolute Party, under which party the Petitioner stood as Parliamentary candidate for Lusaka Central Constituency], accredited local or international election monitors, observers and the media were evicted from the polling stations and totaling centers by officers of the 2nd Respondent. The Petitioner contends that the eviction of the Petitioner's Agents from the polling and totaling centres was in breach of the principles of 'transparent and credible electoral process' espoused in section 3 (c) of the EPA, 'access to polling stations for representatives of political parties, accredited local or international election monitors, observers and the media' provided in section 3 (g) of the EPA; and 'transparent, accurate and reliable vote counting procedure' specified in Section 3 (l) of the EPA. The eviction having been done without lawful authority and without a mechanism to ensure ballot boxes which were open and work in progress could be accounted for.

        ii. The 2nd Respondent breached the principle of impartial protection of polling stations mandated in section 3 (o) of the EPA when it evicted Agents of the Resolute Party from NIPA, Library and Post Office but allowed Agents of the United Party for National Development, under which party the 1st Respondent stood, to remain in the polling centres.

        iii. Following the eviction of the Agents acting for the Petitioner, the Polling Staff of the 2nd Respondent remained at the totalling center and ballot papers were left in the care of National Security Officers

who were persons not accredited or authorized to handle election materials.

iv. Despite evicting representatives of political parties, accredited local or international election monitors, observers and the media from polling and totaling centers and premises with a 24-hour timeframe for review of the suspension, the 2nd Respondent following hours of no oversight of election materials and ballots by representatives of political parties, accredited local or international election monitors, observers and the media abruptly and without prior notice for their return to the polling and totaling centres lifted the suspension and immediately resumed the process of counting and announcing results in Lusaka Central Constituency in the evening of 14th August 2026, thereby depriving the Petitioner's Agents from the Resolute Party who had been evicted from the centers and premises sufficient opportunity to return to the Polling and Totaling centres and to verify the integrity of the election materials including ballots were as they had been left at the start of the suspension.

v. On 16th August the 2nd respondent called Presiding Officers from the Lusaka Central Polling Stations citing missing documents and Gen 20s including reports, and those whose documents were missing were made to rewrite the Gen20s and other documents without the verification of the petitioners agents. The announcement of results was subsequently temporarily stopped.

b. The 2nd Respondent denied Agents of the Resolute Party access to GEN 20a forms in 56 of the 114 polling districts on claims of the same being restricted property of the 2nd Respondent, contrary to the Electoral rules on transparency.

c. The 2nd Respondent did not announce the results at Polling Stations except for one stream at David Kaunda Secondary School.

d. The 2nd Respondent's returning officer for Lusaka Central Constituency did not announce the results immediately after totaling but waited until a time unknown or not notified to the Petitioner or the Resolute Party to announce results which were not or could not be verified as correct and were witnessed only by the 1st Respondents agents.

WHEREOF your Petitioner prays that it may be determined that the 1st Respondent, Mlewa Msaiwale was not duly elected or the election was void;

4. **And your Petitioners pray that –**

   a. The election of the respondent be declared void;

   b. Costs for this petition by borne by the 2nd Respondent

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

.....
CHARITY CHANDA LUMPA
PETITIONER

Settled by: .....
Munati Chambers
No. 5 Chinungu Close,
Off Mwatusanga Road
P. O. Box 320073
Lusaka
Email: info@munatilaw.com
ADVOCATES FOR THE PETITIONER

To: **The 1st Respondent**
Mr. Musaiwale Mlewa
Lusaka

To: **The 2nd Respondent**
Electoral Commission of Zambia
Elections House
Haile Selassie Avenue
Longacres
Lusaka

IN THE HIGH COURT FOR ZAMBIA **2026 / HP/EP/32**
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

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

IN THE MATTER OF: **ARTICLE 73 (1) OF THE CONSTITUTION, CHAPTER 1 OF THE LAWS OF ZAMBIA**

AND

IN THE MATTER OF: **SECTIONS 97 (2) (b) AND 100 (2) (a) AND (3) OF THE ELECTORAL PROCESS ACT NO. 35 OF 2016**

AND

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

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BETWEEN:

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AND	
MUSAIWALE MLEWA	**1ST RESPONDENT**
ELECTORAL COMMISSION OF ZAMBIA	**2ND RESPONDENT**

LIST OF AUTHORITIES AND SKELETON ARGUMENTS IN SUPPORT OF PETITION

LIST OF AUTHORITIES

1. Constitution of Zambia, Chapter 1 of the Laws of Zambia
2. **Electoral Process Act No. 35 of 2016**
3. **The High Court (Election Petition) Rules, 2026 Statutory Instrument No. 31 of 2026**

SKELETON ARGUMENTS

MAY IT PLEASE THIS HONOURABLE COURT

1.0 **MY LORD / LADY,** a person has a constitutional right to challenge an election of a member of Parliament. We place reliance for this submission on article 73 (1) of the Constitution of Zambia, Chapter 1 of the Laws of Zambia which provides that:

> **"A person may file an election petition with the High Court to challenge the election of a Member of Parliament."**

2.0 **MY LORD / LADY,** the period fixed for such challenge is 14 days from the date of declaration of results of the poll as provided for in section 100 (3) of the **Electoral Process Act No. 35 of 2016** which provides that:

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

3.0 **MY LORD / LADY,** the basis on which a petition include breach of principles and rules contained in the law and such breach having an effect on the outcome of the elections. We call to our aid the provisions of Section 97(2) of the Electoral Process Act which provides that:

> **"The election of a candidate as a Member of Parliament, mayor, council chairperson or councillor shall be void if, on the trial of an**

election petition, it is proved to the satisfaction of the High Court or a tribunal, as the case may be, that—

(a) ...;

(b) subject to the provisions of subsection (4), there has been non-compliance with the provisions of this Act relating to the conduct of elections, and it appears to the High Court or tribunal that the election was not conducted in accordance with the principles laid down in such provision and that such non-compliance affected the result of the election; or

(c) ..."

4.0 MY LORD / LADY, the principles under which elections are to be conducted are clear as per section 3 of the Electoral Process Act No. 35 of 2016 which provides the:

"Subject to the Constitution, the principles applied in the electoral system and process shall ensure the following:

(a) ... ;

(b) ... ;

(c) transparent and credible electoral process;

(d) no special privileges accorded to a political party or social group, except for persons with special needs;

(e) ... ;

(f) ... ;

(g) access to polling stations for representatives of political parties, accredited local or international election monitors, observers and the media;

(h) secrecy of the vote;

(i) ... ;

(j) ... ;

(k) ... ;

(l) transparent, accurate and reliable vote counting procedure;

(m) ... ;

(n) precautionary measures for transporting of election materials;

(o) impartial protection of polling stations;

(p) ... ;

(q) impartial handling of election complaints;

(r) ... ; and

(s) timely resolution of electoral disputes."

5.0 **MY LORD / LADY,** affidavit evidence herein is clear to the effect that the manner in which the counting and announcement proceeded from the point of suspension was not transparent and this breached the principles of the election process.

6.0 **MY LORD / LADY,** it is mandatory for unauthorized persons to be excluded from polling stations and the acts of having Soldiers take over polling and totaling

centres in the absence of officers of the 2nd Respondent was a violation of the section 38 (2) of the Electoral Process Act No. 35 of 2016 which provides that:

> **"(4) A presiding officer shall exclude from the area within the boundary of a polling station any person other than—**
>
> **(a) a member, employee or officer of the Commission;**
>
> **(b) an election or polling agent who is entitled under this Act to be present at a polling station;**
>
> **(c) a candidate in that election;**
>
> **(d) an accredited observer or monitor;**
>
> **(e) a voter present for the purpose of casting a vote; and**
>
> **(f) a person or category of persons authorised by the Commission to be present at the polling station."**

And section 58 (2) of **the Electoral Process Act No. 35 of 2016** which provides that:

> **"A presiding officer shall be responsible for the safe-keeping of all the voting materials supplied to that presiding officer."**

7.0 **MY LORD / LADY**, we submit that the 2nd Respondent in failing to publish the record of proceedings or results of the polling stations is a violation of the principle of transparency thereby making it difficult verify all the results of the elections and the failure by officers of the 2nd Respondent to sign results further erode transparency.

8.0 **MY LORD / LADY**, we submit that the failure to show the record of proceedings and to publish the results seriously compromised the transparency of the election and the result therefore cannot be relied on.

9.0 **MY LORD / LADY,** upon a showing of material breach in principles conducting an election and showing breaches of the Law, this Honourable Court has discretion to declare an elections as void. We place reliance for this submission on the provisions of section 97 (2) of the Electoral Process Act No. 35 of 2016 which section has been cited above.

10.0 **MY LORD / LADY,** we contend that this is a proper case in which this Honourable Court should order a nullification of the elections herein.

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

Per: .....

Munati Chambers
No. 5 Chinungu Close,
Off Mwatusanga Road
P. O. Box 320073
Lusaka
Email: info@munatilaw.com
ADVOCATES FOR THE PETITIONER

To: **The 1st Respondent**

Mr. Musaiwale Mlewa

Lusaka

To: The 2nd Respondent

Electoral Commission of Zambia

Elections House

Haile Selassie Avenue

Longacres

Lusaka

Munati Chambers
No. 5 Chinungu Close
Off Mwatusanga Road
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ADVOCATES FOR THE PETITIONER

IN THE HIGH COURT FOR ZAMBIA **2026/HP/EP032**
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HOLDEN AT LUSAKA
(Civil Jurisdiction)

IN THE MATTER OF: **ARTICLA 73 (1) OF THE CONSTITUTION, CHAPTER 1 OF THE LAWS OF ZAMBIA**

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BETWEEN:

CHARITY CHANDA LUMPA **PETITIONER**

AND

MUSAIWALE MLEWA **1ST RESPONDENT**

ELECTORAL COMMISSION OF ZAMBIA **2ND RESPONDENT**

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
03 SEP 2026
PRINCIPAL REGISTRY 4
P.O. Box LUSAKA.

NOTICE OF PAYMENT

TAKE NOTICE that the Petitioner has hereby paid into court the sum of Three Thousand Two Hundred Kwacha (ZMW 3,200.00) into court as security for costs for this petition.

Dated at Lusaka this ..... Day of 2026

Per: 

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ADVOCATES FOR THE PETITIONER