

1 **ELECTION MATTER – REQUEST FOR IMMEDIATE STAY BEFORE MARCH 26, 2026**
2 **CERTIFICATION DEADLINE**

3 **NOTICE OF EMERGENCY**

4 **IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

5 **THIRD APPELLATE DISTRICT (SACRAMENTO)**

6
7 JOEL GILBERT, Petitioner

) CASE NO.

8 vs

9 SHIRLEY N. WEBER, in her
10 capacity as California Secretary
of State

) **NOTICE OF EMERGENCY AND SUMMARY**
) **IN SUPPORT OF IMMEDIATE STAY**

11 Respondent

12 and

13 Eric Michael Swalwell
Real Party in Interest

14 **NOTICE OF EMERGENCY AND SUMMARY IN SUPPORT OF IMMEDIATE STAY**

15
16 Petitioner Joel Gilbert respectfully submits this emergency summary in support of his Petition for
17 Writ of Mandate and Request for Immediate Stay.

18 **IMMEDIATE RELIEF IS REQUIRED**

19
20 The California Secretary of State is required to certify candidates for the June 2026 primary election
21 by March 26, 2026—within 72 hours of the trial court’s ruling.

22
23 Absent immediate intervention, certification will proceed and this matter will become effectively
24 unreviewable and moot before appellate review can occur.

25 **THE TRIAL COURT’S RULING TURNS ON A LEGAL ERROR**

26
27 The trial court denied relief based on a “conclusive presumption” of domicile under Elections Code
28 section 2026.

1 However, the court applied the presumption without first determining whether the underlying
2 residence was supported by reliable evidence.

3
4 That sequence is legally incorrect. The presumption was applied before the predicate fact was
5 established.

6 A conclusive presumption cannot attach where the predicate fact is unsupported or contradicted.

7
8 **THE RECORD CONTAINS A DIRECT, UNRESOLVED CONTRADICTION**

9 The only evidence supporting the claimed California residence is a declaration asserting continuous
10 tenancy since 2017.

11
12 Official county tax records show the property owner simultaneously claimed the Homeowners’
13 Exemption for every year 2017–2025, which requires owner occupancy.

14 These representations are mutually exclusive. The trial court did not resolve this contradiction, but
15 instead dismissed it based on hypothetical possibilities not supported by the record..

16
17 **THIS ERROR IS DISPOSITIVE**

18 This case does not require resolution of ultimate domicile.

19
20 It requires only determining whether the conclusive presumption applies.

21
22 Because the presumption was applied without resolving a threshold evidentiary contradiction, the
23 ruling rests on legal error.

24 **IRREPARABLE HARM IS IMMINENT**

25
26 If certification proceeds:

- 27
28
 - Ballots will be finalized

- 1 • Election processes will advance
- 2 • Appellate review will be effectively foreclosed

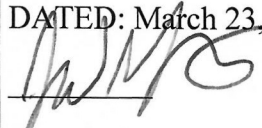
3
4 A short stay will preserve the Court’s ability to provide meaningful review.

5 Absent a stay, this matter will become moot and no effective relief can be granted.

6 The harm is immediate and cannot be remedied after certification.

7
8 **REQUEST**

9 Petitioner respectfully requests that this Court issue an immediate temporary stay of candidate
10 certification pending consideration of the petition to preserve the Court’s ability to provide
11 meaningful review.

12
13
14 DATED: March 23, 2026 _____
15 

16 Respectfully submitted,
17 JOEL GILBERT, Petitioner, Pro Se

18
19
20
21
22
23
24
25
26
27
28