

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed
August 17, 2017.**



In The

Fourteenth Court of Appeals

NO. 14-17-00658-CV

IN RE ALLEN MARK DACUS AND ELIZABETH C. PEREZ, Relators

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
234th District Court
Harris County, Texas
Trial Court Cause No. 2010-81591**

MEMORANDUM OPINION

On August 10, 2017, relators Allen Mark Dacus and Elizabeth C. Perez filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West 2004); *see also* Tex. R. App. P. 52. In the petition, relators ask this court to compel the real parties-in interest Mayor Sylvester Turner and the City of Houston

to order an election on the Drainage Fee Charter Amendment to be held on November 7, 2017.

The Texas Election Code confers jurisdiction on this Court to “issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election.” Tex. Elec. Code § 273.061; *In re Williams*, 470 S.W.3d 819, 821 (Tex. 2015). To obtain such relief, however, a movant must establish that (1) a public official or body failed to perform a ministerial duty or committed a clear abuse of discretion and (2) there is no adequate remedy at law. *See Republican Party v. Dietz*, 940 S.W.2d 86, 88 (Tex. 1997) (orig. proceeding). “An act is ministerial when the law clearly spells out the duty to be performed by the official with sufficient certainty that nothing is left to the exercise of discretion.” *Anderson v. City of Seven Points*, 806 S.W.2d 791, 793 (Tex. 1991) (cited in *In re Williams*, 470 S.W.3d at 821).

Relators have not shown that the real parties-in interest have failed to perform a ministerial duty or clearly abused their discretion. Accordingly, we deny relators’ petition for writ of mandamus.

PER CURIAM

Panel consists of Chief Justices Frost and Justices Christopher and Jamison.