

**Petition for Writ of Mandamus Denied and Memorandum Opinion filed
August 20, 2026.**



In The

Fourteenth Court of Appeals

NO. 14-26-00839-CV

**IN RE THE HONORABLE DERRECK ROSE, WILMA GREEN, AND
DIANE MERCHANT, Relators**

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
Galveston County, Texas**

MEMORANDUM OPINION

This original mandamus proceeding, brought under Election Code section 273.061, challenges the Galveston County Commissioners' Court's 2026 county precinct boundaries, which were altered after the March 2026 primaries in Galveston County. Relators the Honorable Derreck Rose, Wilma Green, and Diane Merchant filed a petition for writ of mandamus asking this court to compel the respondents,

Galveston County; Galveston County Commissioners Court; consisting of Darrell Apffel, Joe Guisti, Hank Dugie, and Robin Armstrong; County Judge Mark Henry; and County Clerk Dwight D. Sullivan, to refrain from implementing the 2026 Map.

Our jurisdiction to entertain this original proceeding issues from Election Code section 273.061, which authorizes the supreme court and courts of appeals to issue writs of mandamus to compel the performance of any duty imposed by law in connection with holding an election or a political party convention. Tex. Elec. Code § 273.061. Before we may issue a writ of mandamus, relators must have a clear legal right to performance of the act they seek to compel and the duty of the officers sought to be compelled must be one clearly fixed and required by law. *In re Powell*, No. 14-19-00992-CV, 2019 WL 6954367, at *2 (Tex. App.—Houston [14th Dist.] Dec. 19, 2019, orig. proceeding) (mem. op.) (denying mandamus filed pursuant to the Election Code because relator failed to meet his burden of proof that no disputed facts existed). *See also In re Angelini*, 186 S.W.3d 558 (Tex. 2006) (orig. proceeding) (we may not deal with disputed areas of fact in an original mandamus proceeding).

Relators have the burden of unequivocally showing they are entitled to issuance of the writ of mandamus; if their right is doubtful, it must first be established in some other form of action. *Leach v. Fischer*, 669 S.W.2d 844, 846 (Tex. App.—Fort Worth 1984, orig. proceeding). Relators have not met their burden of proof that no disputed facts exist and the duty they seek to compel is clear. *See Jessen Associates, Inc. v. Bullock*, 531 S.W.2d 593, 602 (Tex. 1975) (orig. proceeding) (mandamus will lie only where the duty to act is clear and there is no disputed question of fact).

Accordingly, we deny relator's petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Hart, McLaughlin, and Antú.

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