

LONE STAR PROJECT

Fighting Back... with Facts



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Kim Brimer's Cowardly Holiday Scam

Desperate State Senator renews bogus legal challenge to avoid facing Wendy Davis and the judgment of Senate District 10 voters

Displaying fear one seldom sees in a longtime office holder, Republican State Senator Kim Brimer has launched a desperate legal bid to try and save his political future. Recent polls show that Wendy Davis has picked up ground on Kim Brimer, even in comparison to the very encouraging poll conducted by the Lone Star Project in 2007. ([See the LSP Poll Results Here](#) and [Davis Polling Here](#)) Now, in a telling display of cowardice, he's refiling the flawed lawsuit on the eve of a holiday to avoid negative public scrutiny.

Six months ago, Republican Kim Brimer welcomed 2008 by orchestrating a New Year's Eve law suit challenging the candidate filing of his opponent Wendy Davis. The Brimer backed complaint was technically flawed and dismissed by the Court. ([Read the LSP Report](#)) Today, just as families are preparing to honor our country and celebrate our independence, Brimer renewed his frantic legal scramble to avoid the judgment of voters.

Brimer's Desperate Claim

Brimer's legal argument rests on the false claim that Wendy Davis could not qualify as a candidate for the State Senate while still serving as a Member of the Fort Worth City Council and that her council successor, Joel Burns, did not officially take office until January 8, 2008, six days after the filing deadline.

Facts

Wendy Davis resigned from the Fort Worth City Council well before the State candidate filing deadline. Her successor, Joel Burns, was certified as the winner of the Council District 9 Special Election on December 27, 2007 and sworn into office on January 1, 2008. When the filing deadline passed on January 2, 2008, Joel Burns was the Fort Worth City Councilperson representing District 9.

A simple timeline directly rebuts Brimer's flawed complaint:

- **August 9, 2007** - Wendy Davis announces resignation of her City Council Seat (Source: Fort Worth Star-Telegram, August 10, 2007)
- **November 6, 2007** - A special election to select a replacement for Davis was held resulting in a runoff election.
- **December 3, 2007** - Wendy Davis files the necessary papers to qualify as a candidate for Texas Senate District 10. (Source: Austin American-Statesman, December 3, 2007)
- **December 18, 2007** - Joel Burns wins the runoff election for Fort Worth City Council, District 9, Davis' former City Council Seat. (Source: Fort Worth Star-Telegram, December 18, 2007)
- **December 27, 2007** - Joel Burns is formally certified as the winner in the City Council Special Election (Source: Fort Worth Star Telegram, January 2, 2008)
- **January 1, 2008** – Joel Burns was sworn in as Fort Worth City Councilman, District 9. (Source: Fort Worth Star-Telegram, January 1, 2008)
- **January 2, 2008** – Wendy Davis renews her candidate filing for Senate District 10. Tarrant County Democratic Party Chair, Art Brender, correctly certifies Wendy Davis's candidacy for Senate District 10. (Source: Brender Letter January 2, 2008)

What's Brimer Up To?

Kim Brimer fits the description of a panicky incumbent who often loses to an active and popular challenger. After spending 20 years in public office, [he remains relatively unknown and not particularly popular among those who do know him](#). He has been involved in a series of ethics scandals and has very few legislative accomplishments. ([See the LSP Report on Brimer's most recent scandal here](#))



Wendy Davis has proven to be a stronger candidate than even supporters originally thought. She has built a broad coalition of Democrats, Independents and Republicans, while steadily establishing an impressive fundraising base. She is clearly positioning herself to win in November.

Kim Brimer is mired in the incumbent danger zone and unable to pull himself out. Rather than face Wendy Davis and the judgment of voters in a straight-up election, he has launched a cowardly long-shot legal bid to deny Davis a place on the ballot and avoid voters altogether. Like with most other bullies, pressure has revealed the coward at Kim Brimer's core.

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