

LONE STAR PROJECT

Fighting Back... with Facts



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January 3, 2008

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Kim Brimer 2008 – Dirty Trick No. 1

Files bogus ballot challenge to deny voters a choice in SD10

Kim Brimer didn't waste any time finding the low road in his campaign against popular mainstream Democratic opponent Wendy Davis.

Wendy Davis filed to challenge Brimer in the Fort Worth-based Senate District 10 race almost a month ago, yet Brimer waited until New Years Eve, just two days before the filing deadline, to register a phony challenge to her candidacy. This last minute political stunt exposes Brimer's fear and vulnerability in facing a moderate and highly capable opponent like Wendy Davis. This is likely just the first smear tactic that will be employed by Brimer and his political cohorts as he desperately attempts to hold on to office.

Facts behind Brimer's bogus ballot challenge:

Kim Brimer's backers sent a letter to Tarrant County Democratic Party Chair, Art Brender, alleging that Wendy Davis was in violation of a state law prohibiting local officials, such as city council members, from serving in their official local capacity while also formally running as a candidate for Statewide office. Brimer's complaint falsely claims that Wendy Davis' replacement on the Fort Worth City Council, Joel Burns, would not be sworn in until after the filing deadline and that Davis would not resign her council seat and rescind all benefits of local office before the deadline. However, when the filing deadline passed at 5 pm on January 2nd, Joel Burns had been formally sworn in to the Fort Worth City Council and Wendy Davis had formally resigned from the Council rendering the Brimer complaint moot. The sequence of events was as follows:

- **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)

Bottom Line: Kim Brimer and his supporters filed the bogus ballot challenge as a transparent attempt to attack her credibility as a candidate and hide Brimer's failure to build a record of accomplishment or an effective political base in Tarrant County. Recent polling shows that Brimer is vulnerable. [See the LSP report on the poll here.](#) Rather than earn voters trust, Brimer is launching what is sure to be the first in a series of negative attacks.

"The Real Kim Shady"

Rather than earn a reputation for effectiveness or hard work, Kim Brimer has made a name for himself as a special interest insider who cuts corners, cuts deals and bends rules to the breaking point. For long-time incumbents like Brimer who use their political capital to pad their pockets and protect lobby friends, a scorched earth negative campaign is a typical strategy when faced with a highly credible and popular opponent like Wendy Davis. Below is just one example of the unethical approach to public service that has earned Kim Brimer the nickname "Kim Shady."



The Rent to Own "Pioneer"

The Texas Legislature banned lawmakers from paying their mortgage with lobbyist funded campaign accounts in 1991. "Kim Shady" wanted to continue buying a second home with the contributions of lobbyists. According the Associated Press, he "helped create the loophole," by paying "rent" to his wife. (Source: *The Associated Press State & Local Wire, February 22, 2007*) Brimer used the scheme to funnel over \$200,000 to his wife to pay for a second home in Austin. What's more, Brimer encouraged other elected officials to engage in this same unethical behavior. (Source: *Fort Worth Star-Telegram, February 22, 2007*)

Even after the practice was decried in editorials and the "Texas Ethics Commission urged state lawmakers... to stop using campaign donations to rent property." Brimer has continued the sleazy practice. (Source: *Fort Worth Star-Telegram March 2, 2007; Austin American-Statesman, November 28, 2006*)

The Facts:

- Paying for a home with campaign funds is illegal (Source: *The Associated Press State & Local Wire, February 22, 2007*)
- Brimer is credited with creating the loophole that allows lobbyist campaign contributions to be disguised as rent payments to a spouse to avoid the law.
- The Fort Worth Star-Telegram, Austin American-Statesman and the Texas Ethics Commission have urged legislators to stop using the loophole (Source: *Austin American-Statesman, November 28, 2006; Austin American-Statesman, September 1, 2006*)
- Brimer has continued to pay the rent and condo fees out of his campaign account. (Source: *Texas Ethics Commission*)
- He is just one of two legislators who continued to exploit the loophole after the public

outcry. (*Source: Fort Worth Star-Telegram, February 22, 2007*)

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