

The smell test

March 2, 2007

State Sen. Jane Nelson of Lewisville makes a good point about using political contributions to pay rent to her husband for use of his Austin condo: It's legal.

Sen. Kim Brimer of Fort Worth uses money from his political supporters to lease a similar condo from his wife. He even got a ruling from the Texas Ethics Commission in 1996 to confirm the legality of the practice. So long as the property in question belongs separately to the spouse and is not community property, there is no violation of a 1991 law that made it illegal to use political contributions to purchase real estate or to pay interest or principal on a note for the purchase of real property.

Yes, it's legal. But come on, folks -- it sure looks bad.

Just ask Toby Goodman, the former Arlington representative who was defeated in his race for re-election last year after his rent payments to his wife became a campaign issue.

It looks a little too much like the lobbyists who contribute so much of that political money are treating the big shots to a lavish lifestyle while they're in the state capital doing the people's business.

The law is aimed at prohibiting elected officials from converting political contributions to their personal use. In fact, it's a law that splits hairs in a number of ways.

The law says that lawmakers from outside of Austin may spend political contributions for "payment of rent, utility, and other reasonable housing or household expenses incurred in maintaining a residence in Travis County." They can pay the rent and the light bill and the phone bill, even rent or buy furniture with donated money. But they can't buy the real estate with political donations -- that is, unless they bought it before Jan. 1, 1992, when the law went into effect.

If the property was theirs before that, they didn't even have to report it as an expenditure of political money. Even after that date, they could reimburse themselves from political funds for any of their own money they spent on buying a place in Austin before Jan. 1, 1992, but they would have to report the spending to the Texas Ethics Commission.

Confused yet?

Add one more thing: Today, they can pay the rent and utilities with campaign money, but they can't buy groceries or pay for restaurant meals. (The ethics commission believes that lawmakers would have to eat even if they were in their hometowns, so that's not an extra expense of being in Austin.)

During legislative sessions, they get "per diem" pay to take care of expenses. This year, that's \$139 per day. That takes care of a lot of meals -- and some of them even use that money instead of political contributions to pay rent on a modest apartment. In addition, they get a salary of \$600 a month.

Some legislators are wealthy people, and to maintain their lifestyle while they're in Austin takes more than the per diem and monthly salary. And because they are the people who write the laws, they've given themselves an out by allowing expenditures from political contributions to cover some living expenses.

That's OK. Serving the people shouldn't mean a lot of personal sacrifice. But the good thing is, when they spend their political money, they have to report how they spend it.

And when they turn these donated dollars over to their spouses (even in a legal transaction), they have to say so, and their constituents get to know about it and decide whether it's right or wrong.

From here, using political contributions to pay rent to a spouse looks bad.