

June 6, 2023

The Honorable Christopher Coons, Chair
The Honorable James Lankford, Vice Chair
Select Committee on Ethics
United States Senate
220 Hart Building
United States Senate
Washington, D.C. 20510

Re: Request for Investigation into Senate Candidate Lucas Kunce for Failing to Disclose Reportable Assets on the 2021 Personal Financial Disclosure Form, Failing to File a 2022 Personal Financial Disclosure Form, and Failing to File a Timely Request for Extension for the 2023 Personal Financial Disclosure Form

Dear Chairman Coons and Vice Chairman Lankford:

Complainant respectfully requests that the Senate Select Committee on Ethics (the Committee) investigate Lucas Kunce, a candidate for the United States Senate for Missouri, for failing to disclose reportable assets on the 2021 Personal Financial Disclosure Form, failing to file a 2022 Personal Financial Disclosure Form, and failing to file a timely request for extension for the 2023 Personal Financial Disclosure Form.

Failing to Disclose Reportable Assets on the 2021 Personal Financial Disclosure Form

Public Financial Disclosures play a crucial role in maintaining public trust in the United States Senate, “provid[ing] the mechanism for monitoring and deterring conflicts” in the Senate.¹ In furtherance of this critical role, Senate Ethics Rules and Federal law require that candidates “*must* indicate outside compensation, holdings, transactions, liabilities, positions held and gifts received on their Financial Disclosure Reports.”² The Senate Ethics Manual further clarifies that candidates must disclose “[a]ny property held by the filer, his/her spouse, and/or dependent children for investment or the production of income” if their interest in the property is “worth more than \$1,000 at the close of the reporting period or the property generated income of more than \$200 during the reporting period.”³

National reporting indicates Kunce failed to disclose reportable assets to voters and that further investigation and penalties by this Committee are warranted. The Washington Free Beacon recently reported that Kunce owns a Magic: The Gathering card collection worth

¹ Senate Ethics Manual, 124.

² Senate Ethics Manual, 129.

³ *Id.* (citing 5 U.S.C. app. 102(a)(1)(A) (filers must disclose “[t]he identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income”).

upwards of \$50,000.⁴ Tellingly, after this reporting surfaced, Kunce posted a photo of himself posing with the asset alongside the caption “Guilty!”⁵ Despite publicly acknowledging ownership of the collection, this reportable asset does not appear on his 2021 Personal Financial Disclosure Form.⁶ A spokesperson for Kunce did not deny the estimated value of the collection and even acknowledged Kunce owned the collection since childhood, well before filing the 2021 Personal Financial Disclosure Form.⁷

The asset is reportable because it is both valued at over \$1,000 and is held for investment purposes. This fact was made clear when Kunce’s spokesperson relayed a story of a time the candidate had to sell a portion of his collection for a profit so he could afford car repair payments.⁸ It is clear from these statements that the collection is valued well over the \$1,000 threshold, is held for investment purposes, and was held at the time of filing the 2021 disclosure.

Despite missing the deadline to file the 2021 disclosure report, Kunce still omitted valuable assets and misled voters. Merely filing an amendment now would not excuse years of misleading constituents with false disclosures. Kunce’s actions warrant further investigation by the Committee. We request the Committee immediately investigate these violations and act accordingly.

Failing to File a 2022 Personal Financial Disclosure Form

Complainant requests the Committee investigate Kunce for failing to file a 2022 Public Financial Disclosure Report within thirty (30) days of becoming a candidate, in violation of Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 101.

Title I of the Ethics in Government Act of 1978 requires that, “[w]ithin thirty days of becoming a candidate, or May 15, whichever is later” any candidate for office “other than a[] . . . Member of Congress . . . shall file a [Financial Disclosure Report].”⁹ A “candidate” is defined as an individual who seeks nomination for election to federal office by making expenditures or receiving contributions aggregating in excess of \$5,000.¹⁰

The Ethics in Government Act authorizes the Attorney General of the United States to

⁴ Simpson, Joseph. *Missouri Senate Hopeful Lucas Kunce Owns Tens of Thousands of Dollars Worth of Magic: The Gathering Cards*, The Washington Free Beacon (April 28, 2023), <https://freebeacon.com/democrats/missouri-senate-hopeful-lucas-kunce-owns-tens-of-thousands-of-dollars-worth-of-magic-the-gathering-cards/>.

⁵ Kunce, Lucas. *Guilty!* Twitter (April 3, 2023), <https://twitter.com/LucasKunceMO/status/1642982530193281028>.

⁶ Candidate Report for 2021, United States Senate Financial Disclosures (May 17, 2021), <https://efdsearch.senate.gov/search/view/annual/e17a9988-6659-4e8e-9649-82fa4391da42/>.

⁷ Simpson, *supra* note 4.

⁸ *Id.*

⁹ Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 101(c).

¹⁰ *Id.* (incorporating 52 U.S.C. § 30101(2) by reference).

seek a civil penalty of up to \$50,000 for a knowing and willful failure to file a Financial Disclosure Report.¹¹ Importantly, the Act makes clear that your committee shall refer to the Attorney General “the name of any individual which [your] committee has reasonable cause to believe has willfully failed to file a report...”¹² In addition, the Act imposes a mandatory civil penalty on any candidate who files a report after the statutory deadline.¹³

Kunce officially announced his candidacy and filed a statement of candidacy with the Federal Election Commission on March 9, 2021.¹⁴ Based on this filing, Kunce became a federal candidate on that date.

As previously referenced, Title I of the Ethics in Government Act of 1978 requires that, “[w]ithin thirty days of becoming a candidate, or May 15, whichever is later” any “individual other than an incumbent . . . Member of Congress . . . shall file a [Financial Disclosure Report].”¹⁵ Under certain circumstances, candidates may request an extension, on or before the filing deadline, for a period of up to 90 days.¹⁶

Kunce missed the May 15, 2022 deadline to file the Personal Financial Disclosure Form. He did however demonstrate his awareness of this requirement by filing a late request for extension on May 16, 2022.¹⁷ Nonetheless, as of today, at least **367 days** after becoming a candidate for office, Kunce has still failed to file a report and thus appears to have breached his obligation under the law.¹⁸

Accordingly, the Senate Select Committee on Ethics should investigate Kunce’s failure to file a Public Financial Disclosure. If he has indeed failed to file the required disclosure forms within thirty days of his candidacy, then he should be fined and sanctioned appropriately. Moreover, your office should investigate whether there is “reason to believe” that Kunce willfully failed to file the required report, and, if so, ask the Attorney General of the United States to impose up to \$50,000 in civil penalties.

¹¹ Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 104(a)(1). *See also* <https://www.ethics.senate.gov/public/index.cfm/financialdisclosure> (*Penalty for Failure to File a Report or Filing a False Report*).

¹² Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 104(b).

¹³ *Id.* at § 104(d)(1).

¹⁴ *See* FEC, Statement of Candidacy, FEC (March 9, 2021), <https://docquery.fec.gov/cgi-bin/forms/S2MO00528/1503314/>.

¹⁵ Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 101(c).

¹⁶ *Id.* at § 101(g)(1).

¹⁷ Candidate Report for 2022 Due Date Extension 1, United States Senate Financial Disclosures (May 16, 2022), <https://efdsearch.senate.gov/search/view/extension-notice/regular/e47e21f2-fa90-4214-b757-c15d888d4b76/>

¹⁸ Current disclosures reviewed through the U.S. Senate Financial Disclosures database at <https://efdsearch.senate.gov/search/>.

Failing to File a Timely Request for Extension for the 2023 Personal Financial Disclosure Form

In addition to the errors and omissions referenced above, Kunce also failed to timely file the 2023 Personal Financial Disclosure Form or request for extension within thirty (30) days of becoming a candidate, in violation of Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 101. Here, Kunce filed an additional Statement of Candidacy on January 6, 2023.¹⁹ Again, Kunce was required to file his 2023 Personal Financial Disclosure Form and missed the deadline of May 15, 2023. Rather, Kunce filed a late request for extension on May 16, 2023 and has yet to file the 2023 disclosure form.²⁰

Given the consistent and repeated failures of the candidate to disclose his personal finances over three consecutive years, Kunce's conduct certainly gives credence to the notion that this is willful and deliberate. Kunce has deprived Missouri voters of their right to make informed decisions when casting their ballot, and complainant respectfully requests the Committee investigate this failure to protect these voters' interests.

Sincerely,

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¹⁹ See FEC, Statement of Candidacy, FEC (January 6, 2023), <https://docquery.fec.gov/pdf/973/202301069574454973/202301069574454973.pdf>.

²⁰ Candidate Report for 2023 Due Date Extension 1, United States Senate Financial Disclosures (May 16, 2022), <https://efdsearch.senate.gov/search/view/extension-notice/regular/26875ef5-e395-41c0-b440-0a4edfe84d33/>.