

AMICUS CURIAE BRIEF OF THE LIBERTARIAN PARTY OF NORTH CAROLINA IN SUPPORT OF THE LIBERTARIAN PARTY OF NEW HAMPSHIRE

Ryan Brown, Chair Libertarian Party of North Carolina

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I. Authority and Statement of Representation

I submit this amicus curiae brief as a sustaining member of the national Libertarian Party, in accordance with Section 7.1 of the "Judicial Committee Rules of Appellate Procedure 2026-2030" which states, "Sustaining members may file amicus briefs in support of the petitioners or respondents." In submitting this brief, in support of the Libertarian Party of New Hampshire, I am acting in my official capacity as the Chair of the Libertarian Party of North Carolina (LPNC). Pursuant to Article IV, Section 2 of the LPNC Bylaws, the Chair is the Chief Executive Officer of the Party, has general supervision of its affairs, and is explicitly empowered to represent the organization. Specifically, Article IV, Section 2, Paragraph 7 dictates that the Chair shall:

"Serve as a spokesperson for the Party;"

Accordingly, this submission fulfills the evidentiary requirements of Section 7.1 of the "Judicial Committee Rules of Appellate Procedure 2026-2030" and is executed in compliance with the LPNC's governing documents. As the designated spokesperson and Chief Executive Officer, I hold the authority to make the following statements and submit arguments on behalf of the LPNC in these proceedings.

II. Background and Argumentation

The National Convention, assembled from May 21–25, 2026, serves as the supreme governing authority of the Party. During this convention, the specific status of the Libertarian Party of New Hampshire (LPNH), particularly regarding public controversies surrounding Jeremy Kauffman, was explicitly brought before the body. A motion was made directly from the convention floor to disaffiliate LPNH. The delegates chose not to pass the motion, thereby

explicitly affirming LPNH's continued standing and affiliation. This direct decision by the convention delegates established a definitive declaration of the body's will regarding the status of LPNH.

Despite this clear mandate from the delegates of the Party, the Libertarian National Committee (LNC) subsequently acted to disaffiliate LPNH under Article 5, Section 6 of the National Bylaws. While Article 5, Section 6 grants the LNC power to revoke an affiliate's status "for cause" by a three-fourths vote of the entire National Committee, this power cannot and shall not be exercised to subvert or overturn an explicit decision made by the National Convention. The LNC's "for cause" resolution cites grievances regarding past presidential endorsements and vague and unsubstantiated positions regarding undermining Libertarian candidates, the exact issues known to the delegates at the National Convention. By using these pre-existing justifications to reverse a floor vote that failed at the convention, the LNC has exceeded its administrative authority, transforming a narrow "for cause" mechanism into a veto over the will of the Party's highest governing authority, the body of delegates.

The LNC resolution includes a single specific charge. The LNC's reliance on an isolated incident from November 4, 2024, to establish ongoing "cause" fails to account for the substantial passage of time and the subsequent democratic self-correction enacted by the affiliate. As a matter of basic due process and organizational equity, the evidentiary burden required to sustain a disaffiliation action grows heavier the further back an oversight body looks for cause, particularly when intervening events have cured the alleged infraction. Since the November 4, 2024 meeting, the membership of the Libertarian Party of New Hampshire has met in two separate annual conventions. During this time, the affiliate completely replaced the responsible actors from leadership; none of the three officers who voted in favor of the 2024 endorsement retain any role in leadership today. Conversely, then-Vice Chair Nick Hubbard, the sole voice who stood in opposition to the infraction and voted against the motion, was decisively reelected by the membership at the March 8, 2025 annual convention.

Consequently, the present LPNH Executive Committee shares absolutely no voting members with the prior committee responsible for the action that triggered the LNC's intervention. As certified in Exhibit D (initial LPNH JC Appeal), the current leadership has formally repudiated the 2024 act as void ab initio and explicitly bound the institution to strict future compliance with Article 5, Section 4 of the National Bylaws. Revoking the charter of an entire state affiliate in mid-2026 based on a long-past vote taken by a defunct and un-reelected

board turns a corrective mechanism, that should be made in a timely manner, into a punitive one made without cause. Because the membership of New Hampshire has already utilized its own internal processes to make corrective action, the LNC possesses no lingering cause to dissolve the affiliate.

The bad faith and punitive nature of this action are further underscored by the extreme haste with which the newly constituted LNC moved to execute it. As recorded in the LNC Post-Convention minutes from May 25, 2026, the disaffiliation of the duly chartered state affiliate was treated as virtually the very first substantive item of business taken up by the new board, immediately following the filling of At-Large vacancies. Rather than engaging in a deliberate, objective review, an evaluation of the current leadership of LPNH, or considering current actions of the LPNH affiliate, the LNC rushed directly to a vote. Highlighting this disregard for due process, a motion made by Mr. Shaw to amend the agenda item to form an investigatory committee on the matter was summarily defeated by a voice vote. Without any independent fact-finding or committee investigation, the LNC passed Motion [20260525-02] to dissolve the affiliate by a vote of 15–2–1 on the day the National Convention adjourned. This rush to judgment, combined with the refusal to provide notice, specific ongoing breaches of bylaws, or form an investigative committee, proves that the action was not a measured, "for cause" administration of national rules, but a predetermined political maneuver designed to bypass the convention's authority.

The disparate treatment of the Libertarian Party of New Hampshire is glaringly apparent when compared to the Libertarian National Committee's selective enforcement of the Bylaws against the Libertarian Party of Colorado. On July 2, 2024, the Libertarian Party of Colorado formally voted to designate Robert F. Kennedy Jr. as its candidate on Colorado's general-election ballot, in place of the Libertarian Party's own national convention nominee, Chase Oliver. The Libertarian Party of Colorado publicly described this arrangement as a "groundbreaking partnership" with Kennedy's campaign. At the time of this nomination vote, Kennedy was the leader and nominee of the We the People Party, an independent political organization formed to support his candidacy across numerous states. This was following the 2024 National Convention in Washington D.C. where Robert F. Kennedy Jr. was explicitly rejected on the first round of voting on the Party's Presidential Candidate.

The Libertarian National Committee had direct, contemporaneous knowledge of the Libertarian Party of Colorado's conduct because the committee was directly involved in the

resulting ballot dispute. Notwithstanding that knowledge, the Libertarian National Committee took no disciplinary action against the Libertarian Party of Colorado under Article 5 of the Bylaws, pursuing neither censure nor revocation of affiliate status. For the Libertarian National Committee to ignore a formal ballot-access maneuver for an opposing party's candidate in Colorado, yet swiftly revoke the charter of New Hampshire for a repudiated endorsement, made years previously, demonstrates an arbitrary, punitive, and unequal application of the "for cause" standard.

It is a well-established organizational principle within the Party that the actions and policies of a previous Libertarian National Committee are not binding upon a newly elected LNC. This principle of institutional turnover and fresh electoral mandates must be applied equitably across all levels of Party governance. In the exact same manner that a new LNC operates free from the immediate constraints of its predecessors, the actions taken by a previous state executive board cannot be justly held against a current, duly elected state board. As demonstrated by the complete turnover in New Hampshire's leadership and the formal repudiation of the prior board's unconstitutional endorsement, the current LPNH Executive Committee is a distinct governing body. For the LNC to claim a fresh administrative mandate for itself while simultaneously revoking the charter of a state affiliate for the repudiated actions of a defunct predecessor is deeply inequitable and violates the basic standards of fair organizational governance.

III. Affiliate Autonomy

ARTICLE 5.4: "No affiliate party shall endorse any candidate who is a member of another party for public office in any partisan election." ARTICLE 5.5: "The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws." State and sub-affiliate parties of the states are given broad leeway to act and strategize while remaining in their respective areas. While Article 5.4 is clear, 5.5 immediately binds the National Committee from interfering in the autonomy of the state and sub-affiliate parties.

As the 11/4/2024 action, the first charge, taken by the LPNH is no longer timely, is not an ongoing breach of any bylaws, and is considered by the state affiliate to be void ab initio by the LPNH it should not be considered just cause for disaffiliation. Only actions that are

ongoing AND in breach of bylaws need to be considered by the LNC or the JC. The remaining issues specified in the for cause resolution should be considered on the merits.

The second charge, “crudely and repeatedly undermined our own candidates,” is a subjective matter of opinion. Firstly, does “our” mean national candidates? If this is the understanding, this can only mean Presidential and Vice Presidential candidates. The national party has run numerous candidates that are controversial to some state affiliates. As the membership is aware, there is often concern, controversy, and debate about Presidential and Vice Presidential candidates. Affiliates will either support, not support, or be ambivalent to Presidential and Vice Presidential candidates. This is expressed via different messaging strategies. From enthusiastically supporting the Presidential and Vice Presidential candidates to explicit disapproval.

If understood as Libertarian Party candidates throughout the nation, this is an absurd charge. The Libertarian Party of New Hampshire has run Libertarian candidates while affiliated with the national party. One of the more notable candidates is current LPNH chair Jeremy Kauffman’s run for US Senate in 2022. He ran as a Libertarian and advocated for the election of Libertarian Party candidates. He had a viral marketing and novel advertising campaign that touched on current issues and appealed to people outside the party. Many of his videos reached my friends, who are outside the party, and had positive beliefs about the party and Mr. Kauffman as a result of these videos (War is Gay, End Mass Migration, etc). LPNH has long been a place where people can try different ideas while running as Libertarians, with the goal of electing Libertarians and securing more freedom for Americans. As Mr. Kauffman is chair of the LPNH, I find it hard to prove the case that the LPNH is actively undermining all Libertarian Party candidates at large.

Regardless, neither of these interpretations have ever been considered an offense worthy of disaffiliation for a reason. Libertarians, and Libertarian affiliates, are fiercely and highly independent. Libertarians believe in the market process. This market process applies to Libertarian affiliates and Libertarian candidates trying to appeal to the voters. To steelman the disaffiliation argument, one could argue that some people find the LPNH strategy counter-productive. However, counter-productive is not the standard for disaffiliation. The affiliate party and affiliate candidates should always have the ability to test the waters on what messaging is effective in their own area. To do otherwise would strike at the heart of what affiliate autonomy means.

The third and final charge, “espoused numerous anti-libertarian positions on a National level,” is again a subjective matter of opinion. As we like to tell voters and new Libertarians in North Carolina, “Libertarianism is the belief that you don’t hurt others and you don’t take their stuff.” While a base level view of Libertarian philosophy, it is a good starting point. However, as we all know, the world is not that simplistic. How you apply those two principles will branch as you examine real world issues. What this charge boils down to is how you apply Libertarian beliefs to the real world. The ~~fallacy~~ charge of ~~No True Scotsman~~ Not A Real Libertarian should be dismissed. Disaffiliating because messaging was vaguely “anti-libertarian” should be rejected outright. The national party is not and should be a board that manages affiliate messaging.

The bar is high, for good reason, to claim an affiliate should be disaffiliated. The vague charges are outside of the for cause scope of the LP National bylaws. State affiliates should be able to message at or beyond the Overton Window in an attempt to test ideas. Affiliate Autonomy demands that affiliates be given leeway in messaging. Failure to protect Affiliate Autonomy will have worse consequences when compared to different affiliate messaging strategies.

IV. Conclusion

In brief, the Libertarian Party of New Hampshire was disaffiliated, without cause. There was no ongoing violation of the bylaws of the national or state bylaws and there were no specific charges or allegations that would constitute actual cause. Finally, the perverted claim that due process can occur after a decision is made, should be rejected. For these reasons, the Judicial Committee should overturn the disaffiliation of the Libertarian Party of New Hampshire.

Respectfully submitted,

Ryan Brown

Chair, Libertarian Party of North Carolina