

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40738-NQy-34

Short Title: Const. Amend./Supreme Court Ethics.

(Public)

Sponsors: Representative Butler.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO DELINEATE
3 SITUATIONS IN WHICH A JUSTICE OF THE SUPREME COURT IS REQUIRED TO
4 RECUSE HIMSELF OR HERSELF AND TO REQUIRE THE DISCLOSURE BY A
5 JUSTICE OF THE SUPREME COURT OF CERTAIN SALES OR PURCHASES AND
6 TRAVEL.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Section 6 of Article IV of the North Carolina Constitution reads as
9 rewritten:

10 "Sec. 6. Supreme Court.

11 (1) Membership. The Supreme Court shall consist of a Chief Justice and six Associate
12 Justices, but the General Assembly may increase the number of Associate Justices to not more
13 than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity,
14 to perform any of the duties placed upon ~~him~~, him or her, the senior Associate Justice available
15 may discharge those duties.

16 (2) Sessions of the Supreme Court. The sessions of the Supreme Court shall be held in
17 the City of Raleigh unless otherwise provided by the General Assembly.

18 (3) Required disqualification. A Justice of the Supreme Court shall disqualify himself or
19 herself from any proceeding before the Supreme Court if any of the following occurs, unless such
20 disqualification would prevent a quorum of the Supreme Court:

21 (a) The Justice knows or reasonably should know that he or she, individually or
22 as a fiduciary, has a financial interest in the subject matter in controversy or
23 in the party to a proceeding, or any other interest that could be substantially
24 affected by the outcome of the proceeding. For purposes of this subdivision,
25 the term "financial interest" includes ownership of shares of stock or other
26 securities cumulatively valued at ten thousand dollars (\$10,000) or more in an
27 entity that is a party to the proceeding.

28 (b) The Justice or the Justice's spouse, or a person within the third degree of
29 relationship to either of them, or the spouse of such a person, is any of the
30 following:

- 31 1. A party to the proceeding, or an officer, director, or trustee of a party.
- 32 2. Acting as a lawyer in the proceeding.
- 33 3. Known by the Justice to have an interest that could be substantially
34 affected by the outcome of the proceeding.
- 35 4. Known by the Justice to likely be a material witness in the proceeding.



For purposes of this subdivision, the degree of relationship is calculated according to the civil law system.

(c) The Justice previously served as a member of the General Assembly and the subject matter in controversy is a challenge to the constitutionality or legal propriety of a law for which the Justice served as a primary sponsor while serving as a member of the General Assembly.

(4) Financial disclosures. In addition to all financial disclosures required by law, a Justice shall disclose to the State Ethics Commission or any successor entity all of the following:

(a) The sale or purchase of any stock, property, or other financial interest valued at ten thousand dollars (\$10,000) or more no later than 45 days after the date of such sale or purchase.

(b) Any income received other than the Justice's State salary.

(c) The name of any individual or entity who sponsored or funded any travel taken by the Justice."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election to be held on November 3, 2026, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

Constitutional amendment to require Supreme Court Justices to recuse themselves in certain instances where they have financial or personal interests and to make certain financial disclosures."

SECTION 3. The State Board of Elections shall certify the results of the referendum conducted under Section 2 of this act. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the Secretary of State shall enroll the amendment among the permanent records of that office. If a majority of votes cast on the question are against the amendment set out in Section 1 of this act, the amendment shall have no effect.

SECTION 4. If the certification from the State Board of Elections under Section 3 of this act reflects that a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the amendment set out in Section 1 of this act is effective upon certification.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.