

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 1236
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40737-NQy-59

Short Title: Const. Amend./Judicial Standards Commission. (Public)

Sponsors: Representative Morey.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO INCLUDE THE
3 JUDICIAL STANDARDS COMMISSION AND TO AMEND THE EXISTING
4 STATUTES ON THE JUDICIAL STANDARDS COMMISSION.

5 Whereas, the North Carolina Judicial Standards Commission has become increasingly
6 partisan and secretive, and it is in the public interest to establish a fair, impartial, and transparent
7 Commission that oversees implementation of the North Carolina Judicial Code of Conduct; Now,
8 therefore,
9 The General Assembly of North Carolina enacts:

10
11 **CONSTITUTIONAL AMENDMENT ESTABLISHING JUDICIAL STANDARDS**
12 **COMMISSION**

13 **SECTION 1.(a)** Article IV of the North Carolina Constitution is amended by adding
14 a new section to read:

15 **"Sec. 23. Judicial Standards Commission.**

16 (1) Membership. The Judicial Standards Commission shall consist of the following
17 residents of this State:

18 (a) Five judges appointed by the Chief Justice of the Supreme Court as follows:

- 19 1. One Court of Appeals judge.
20 2. Two superior court judges.
21 3. Two district court judges.

22 (b) Five licensed attorneys appointed by the officers of the North Carolina State
23 Bar.

24 (c) Five citizens who are neither lawyers nor judges, active or retired, appointed
25 by the Governor.

26 (2) Public hearings and records. Any disciplinary hearings held before and sanctions
27 imposed by the Commission as prescribed by law shall be made public."

28 **SECTION 1.(b)** The amendment set out in subsection (a) of this section shall be
29 submitted to the qualified voters of the State at the general election to be held on November 3,
30 2026, which election shall be conducted under the laws then governing elections in the State.
31 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General
32 Statutes. The question to be used in the voting systems and ballots shall be:

33 "[] FOR [] AGAINST

34 Constitutional amendment to add the Judicial Standards Commission to the
35 Constitution to ensure that complaints against judges and justices are handled in fair, transparent,



1 and nonpartisan proceedings, and to require that the Commission's disciplinary hearings and
2 sanctions be made public."

3 **SECTION 1.(c)** The State Board of Elections shall certify the results of the
4 referendum conducted under subsection (b) of this section. If a majority of votes cast on the
5 question are in favor of the amendment set out in subsection (a) of this section, the Secretary of
6 State shall enroll the amendment among the permanent records of that office. If a majority of
7 votes cast on the question are against the amendment set out in subsection (a) of this section, the
8 amendment shall have no effect.

9 **SECTION 1.(d)** If the certification from the State Board of Elections under
10 subsection (c) of this section reflects that a majority of votes cast on the question are in favor of
11 the amendment set out in subsection (a) of this section, the amendment set out in subsection (a)
12 of this section is effective upon certification.

13 **AMENDING JUDICIAL STANDARDS COMMISSION STATUTES**

14 **SECTION 2.** Article 30 of Chapter 7A of the General Statutes reads as rewritten:

15 "Article 30.

16 "Judicial Standards Commission.

17 **"§ 7A-374.1. Purpose.**

18 The purpose of this Article is to provide for the investigation and resolution of inquiries
19 concerning the qualification or conduct of any judge or justice of the General Court of Justice.
20 The procedure for discipline of any judge or justice of the General Court of Justice shall be in
21 accordance with this ~~Article.~~ Article and the North Carolina Constitution, Article IV, Section 23.
22 Nothing in this Article shall affect the impeachment of judges under the North Carolina
23 Constitution, Article IV, Sections 4 and 17.

24 ...

25 **"§ 7A-375. Judicial Standards Commission.**

26 (a) ~~Composition.—The Judicial Standards Commission shall consist of the following~~
27 ~~residents of North Carolina:~~

- 28 (1) ~~Two Court of Appeals judges, each appointed by the Chief Justice of the~~
29 ~~Supreme Court.~~
- 30 (2) ~~Two superior court judges, each appointed by the Chief Justice of the Supreme~~
31 ~~Court.~~
- 32 (3) ~~Two district court judges, each appointed by the Chief Justice of the Supreme~~
33 ~~Court.~~
- 34 (4) ~~Four judges appointed by the General Assembly in accordance with~~
35 ~~G.S. 120-121, selected as follows:~~
 - 36 a. ~~One district court judge recommended by the President Pro Tempore~~
37 ~~of the Senate.~~
 - 38 b. ~~One district court judge recommended by the Speaker of the House of~~
39 ~~Representatives.~~
 - 40 c. ~~One superior court judge recommended by the President Pro Tempore~~
41 ~~of the Senate.~~
 - 42 d. ~~One superior court judge recommended by the Speaker of the House~~
43 ~~of Representatives.~~
- 44 (5) ~~Four citizens who are not judges, active or retired, two appointed by the~~
45 ~~Governor, and two appointed by the General Assembly in accordance with~~
46 ~~G.S. 120-121, one upon recommendation of the President Pro Tempore of the~~
47 ~~Senate and one upon recommendation of the Speaker of the House of~~
48 ~~Representatives.~~

49 The General Assembly shall also appoint alternate Commission members for the Commission
50 members the General Assembly has appointed to serve in the event of scheduling conflicts,
51

1 ~~conflicts of interest, disability, or other disqualification arising in a particular case. The alternate~~
2 ~~members shall have the same qualifications for appointment as the original members.~~

3 ...

4 (b) Vacancies. – A vacancy on the Commission arises upon the resignation or death of a
5 member or if a member ceases to have the qualifications required for the member's appointment.
6 Vacancies of ~~members, other than those appointed by the General Assembly,~~ members are filled
7 in the same manner as the original appointment, for the remainder of the term. ~~Vacancies of~~
8 ~~members appointed by the General Assembly are filled by the alternate member appointed~~
9 ~~pursuant to subsection (a) of this section and shall serve for the remainder of the unexpired term.~~
10 ~~In the absence of an alternate member appointed by the General Assembly pursuant to subsection~~
11 ~~(a) of this section, or if an alternate member is unable to serve, such vacancy shall be filled as~~
12 ~~provided under G.S. 120-122.~~

13 (c) Disability or Disqualification. – If a member of the Commission appointed by the
14 Chief Justice or the officers of the State Bar becomes disabled, or becomes a respondent before
15 the Commission, the Chief Justice or the officers of the State Bar, respectively, shall appoint an
16 alternate member to serve during the period of disability or disqualification. The alternate
17 member shall be from the same division of the General Court of Justice as the judge whose place
18 the alternate member takes. If a member of the Commission becomes disabled or is disqualified
19 from participating in a disciplinary proceeding, the ~~Governor, if he appointed the disabled~~
20 ~~member, shall appoint, or the State Bar Council, if it elected the disabled member, shall elect,~~
21 Governor shall appoint an alternate member to serve during the period of disability or
22 disqualification. ~~If a member of the Commission who was appointed by the General Assembly~~
23 ~~becomes disabled or is disqualified from participating in a disciplinary proceeding, the chair of~~
24 ~~the Commission shall call upon the alternate member appointed pursuant to subsection (a) of this~~
25 ~~section.~~

26 ...

27 "§ 7A-377. Procedures.

28 ...

29 (a1) Unless otherwise waived by the justice or judge ~~involved,~~ involved and except as
30 provided herein, all papers filed with and proceedings before the Commission, including any
31 investigation that the Commission may make, are confidential, and no person shall disclose
32 information obtained from Commission proceedings or papers filed with or by the Commission,
33 except as provided herein. Those papers are not subject to disclosure under Chapter 132 of the
34 General Statutes.

35 ...

36 (a5) If, after an investigation is completed, the Commission concludes that disciplinary
37 proceedings should be instituted, the notice and statement of charges filed by the Commission,
38 along with the answer and all other pleadings, ~~remain confidential.~~ are no longer confidential and
39 shall be made public. Disciplinary hearings ordered by the Commission ~~are confidential,~~ shall be
40 held publicly and recommendations of the Commission to the Supreme Court, along with the
41 record filed in support of such ~~recommendations are confidential.~~ recommendations, shall be
42 made public. Testimony and other evidence presented to the Commission is privileged in any
43 action for defamation. At least ~~five-eight~~ five members of the Commission must concur in any
44 recommendation to issue a public reprimand, censure, suspend, or remove any judge. A
45 respondent who is recommended for public reprimand, censure, suspension, or removal is
46 entitled to a copy of the proposed record to be filed with the Supreme Court, and if the respondent
47 has objections to it, to have the record settled by the Commission's chair. The respondent is also
48 entitled to present a brief and to argue the respondent's case, in person and through counsel, to
49 the Supreme Court. A majority of the members of the Supreme Court voting must concur in any
50 order of public reprimand, censure, suspension, or removal. The Supreme Court may approve the
51 recommendation, remand for further proceedings, or reject the recommendation. A justice of the

1 Supreme Court or a member of the Commission who is a judge is disqualified from acting in any
2 case in which he is a respondent.

3 ~~(a6) Upon issuance of a public reprimand, censure, suspension, or removal by the Supreme~~
4 ~~Court, the notice and statement of charges filed by the Commission along with the answer and~~
5 ~~all other pleadings, and recommendations of the Commission to the Supreme Court along with~~
6 ~~the record filed in support of such recommendations, are no longer confidential.~~
7"

8
9 **EFFECTIVE DATE**

10 **SECTION 3.** Section 2 of this act becomes effective only if the constitutional
11 amendment proposed by Section 1 of this act is approved. If the constitutional amendment is
12 approved, Section 2 of this act becomes effective January 1, 2027. The remainder of this act is
13 effective when it becomes law.