

News from Jones Street

*Your legislative updates from Jackson Cozort,
RGEA Director of Government Relations*

March 27, 2026

Berger Concedes. What Now?

As most of you already know, late Tuesday afternoon Senate President Pro Tempore Phil Berger conceded to Rockingham County Sheriff Sam Page in what must be one of the biggest upsets in North Carolina political history. It was a true David vs Goliath battle. Phil Berger had been a Senator in the North Carolina Senate since 2000, and for the last 15 years presided as President Pro Tem of the Senate. He has arguably been the most powerful politician in the state for over a decade. According to Fox News, the President Trump endorsed Phil Berger outspent Sam Page 40-1 and that does not even include millions spent by a pro-Berger independent expenditure group spent on mailers and advertisements.

Now that the dust is starting to settle, what does this mean going forward?

First, Senator Berger will still serve as President of the Senate during the upcoming short session. This session comes right after the 2025 long session, where North Carolina became the only state in the country that failed to pass a budget. The main sticking point between the Republican-led House and Senate was the tax package. The Senate version pushed by Berger was much more aggressive than the House version. Because this will be a lame-duck session for Berger, who will not return in 2027, it will be interesting to see whether he holds firm on his aggressive tax cuts or shows more willingness to compromise with the House's budget, which included lower tax cuts, higher state employee raises, and a three percent one-time bonus for state retirees spread over two years.

It will also be fascinating to watch how the Senate chooses its next leader for 2027 after more than a decade under the leadership of Phil Berger. The obvious front-runners include Senator Ralph Hise from the far west, Senator Michael Lee from the far east, and Senator Brent Jackson from the east, all of whom are senior chairs of the appropriations committee. However, Senator Lee faces a tough general election in November, and Senator Jackson will be close to 70 when the 2027 session begins. Several younger dark horses such as Senator Todd Johnson and Senator David Craven are also being mentioned, so do not count them out either.

With so much still undecided, the rest of this year is sure to be very interesting. The Senate has traditionally been a huge roadblock as far as bonuses and COLAs for State Retirees are concerned. New leadership could be a positive change to bring the Senate in line with the retiree support we historically get in the House. RGEA will keep you updated as more developments unfold.

In other news, the NC Supreme Court has scheduled the Oral Argument for the motion to decertify the Lake Case as a class action lawsuit for April 16th! The hearing will take place at the courthouse in Raleigh. Our executive director Tim O'Connell and I will be there, and it would be great if State Retirees were there to show their support. If you are interested in attending, please contact me at govrelations@rgea.info.

March 20, 2026

A Procedural Fight with High Stakes: Where We Are with the Lake Case.

The long-running *I. Beverly Lake v. State of North Carolina* case has taken a consequential procedural turn, underscoring how deeply politics and legislative power have shaped the rules governing our courts.

The State has filed a motion to decertify the case as a class action, a move that, if successful, would dramatically narrow the scope of the lawsuit and limit relief to individual plaintiffs rather than all similarly situated retirees. Class certification often determines whether a case can realistically move forward for everyone affected or whether only a handful of individuals are able to pursue it.

What makes this moment especially notable, however, is not just the State's motion, it is how such a motion became possible and what happens next.

Under what could be interpreted as a retaliatory law passed by the General Assembly in 2017, former N.C. Gen. Stat. § 7A-27(a)(4) made a trial judge's decision on class certification automatically and immediately appealable to the North Carolina Supreme Court, regardless of how the trial judge ruled. This statute represented a significant departure from longstanding judicial procedure by removing the Supreme Court's discretion and forcing review. North Carolina became the only state in the country to pass a law like this, standing as a national outlier while the other 49 states allow appellate courts to retain discretion over whether to hear such appeals, particularly when a case lacks sufficient merit.

The effect of the statute is clear: when the State loses a class-action ruling at the trial-court level, it can automatically bypass the normal judicial path and push the dispute straight to the state's highest court, delaying resolution and raising the stakes considerably. That is exactly what happened here, even though retirees have prevailed on every substantive issue in this case at every level of court.

For retirees, this is more than a technical legal maneuver. It illustrates how procedural rules can be shaped by the legislature to tip the scales in favor of its preferred outcome. By forcing immediate Supreme Court review, the State ensures prolonged uncertainty and additional barriers for those seeking relief.

So where are we now?

As noted above, under N.C. Gen. Stat. § 7A-27(a)(4), the denial of the State's motion to decertify the class is now automatically appealable directly to the North Carolina Supreme Court, bypassing the Court of Appeals. Both parties face filing deadlines, and as of last Friday, both have submitted their briefs to the Supreme Court.

However, the Supreme Court has no statutory deadline to issue a ruling. Decisions in such appeals typically take 6–18 months after briefing is complete, depending on the Court's docket and whether oral argument is scheduled. But nothing in the law requires the Supreme Court to rule on this motion to decertify at all, potentially leaving the case, and the retirees harmed by the legislature's actions, in permanent limbo.

Keep in mind that this is the same Supreme Court that ruled in favor of retirees in 2022, finding that the State had breached its contractual obligations. Now they are being asked if those same retirees should be allowed to maintain their class status.

On the surface, the Beverly Lake case is about the State's breach of contract with its retirees. Equally, it is about whether retirees can meaningfully challenge state actions, and whether the system is structured to allow those challenges to proceed on equal footing. Closure in favor of the retirees is long overdue, but rest assured: as soon as we learn how the Supreme Court rules on this issue, we will share the news.

March 13, 2026

Berger-Page Still Too Close to Call

As the intensity of last week's primary election begins to fade, one race remains anything but settled. One of the most closely watched political contests in North Carolina this year is the Republican primary for Senate District 26 between long-time Senate leader Phil Berger and Rockingham County Sheriff Sam Page.

After votes were tallied on primary night, the race continued to draw statewide attention because of its razor-thin margin. Unofficial results initially showed Page leading Berger by just two votes, an extraordinary outcome in a race with more than 26,000 ballots cast. It is a powerful reminder that every vote truly matters, especially in local elections.

As provisional ballots were reviewed in Rockingham and Guilford counties, Page's lead widened to 23 votes, still extremely narrow and well within the threshold that allows Berger to request a recount. Because the margin is under one percent, North Carolina election law permits the trailing candidate to seek a recount. Berger must file his request by noon on March 17. Both campaigns have already begun preparing for what is expected to be a highly contested recount process.

The significance of this race stems not only from its closeness but also from Berger's role in state politics. Berger has served in the North Carolina Senate since 2001 and has been president pro tempore since 2011. He is widely regarded as one of the most influential figures in modern North Carolina politics, and he was endorsed by President Trump. He is also the longest-serving legislative leader in U.S. history.

If Page ultimately prevails, it would mark one of the most consequential legislative primary upsets in recent North Carolina history and would reshape leadership dynamics within the Republican-controlled Senate.

Meanwhile, broader budget debates continue in Raleigh. Earlier this week, Governor Josh Stein released a proposed \$1.4 billion "critical needs" budget to address what he identified as urgent statewide priorities, including Medicaid obligations and pay raises for teachers, state employees, and law enforcement. RGEA has continued direct advocacy with the Governor, and we appreciate that he designated "state retirees" as a critical need, including \$99 million to provide a one-time 2.5% bonus for retired state government employees.

Although legislative leaders in both the House and Senate have indicated they do not plan to take up the Governor's proposal, the debate again highlights a key difference between the chambers regarding support for state retirees. Similar to Governor Stein's proposal, the original House budget included a one-time three percent bonus for retirees over the biennium, while the Senate version—led by Berger—was the only budget that included no funding for retiree bonuses.

Thanks to consistent advocacy from RGEA and its members, providing inflation relief for state retirees remains one of the key tenets in ongoing budget negotiations and is a significant reason North Carolina remains the only state in the country that has yet to pass a state budget.

This election is far from over and carries meaningful implications for state retirees. RGEA will continue advocating

on behalf of our members as the recount process unfolds and as the General Assembly prepares for the upcoming short session. Whether this closely contested primary ultimately affects the dynamics of budget negotiations remains to be seen, but one thing is certain: RGEA will remain fully engaged to ensure the voices of North Carolina's retired public servants continue to be heard on Jones Street.

March 6, 2026

Primary Night Shake-Up: Incumbents Fall in Key House Races Across North Carolina

This week's primary elections delivered some of the biggest surprises in recent memory for North Carolina's General Assembly. Several long-serving House members from both parties lost their bids to return to Raleigh, setting the stage for new faces in 2027, and a lot of question marks for this upcoming short session.

Key Results

Democratic Incumbent landslide losses:

Rep. Carla Cunningham (Mecklenburg County) was defeated in the primary by a margin of approximately 48 points.

Rep. Nasif Majeed (Mecklenburg County) lost by roughly 42 points.

Rep. Shelly Willingham (Edgecombe County) was also unseated in a closer contest.

Republican Incumbent losses:

Rep. Kelly Hastings, Rep. Chris Measmer, Rep. Keith Kidwell, Rep. Mark Pless, and Rep. Reece Pyrtle all failed to advance past the primary.

No major US Senate upsets: Former Gov. Roy Cooper won the Democratic nomination with 92% of the vote, while Republican Michael Whatley took 65% on his side. Both advance to November.

And now for the race everyone was watching:

The Republican primary race for North Carolina Senate District 26 ended in a photo-finish result, with Rockingham County Sheriff Sam Page holding a two-vote lead over incumbent Senate President Pro Tempore Phil Berger after all precincts reported unofficial totals. Even though Senator Berger massively outspent Sherriff Page, Page received 13,077 votes to Berger's 13,075 in the contest covering Rockingham and parts of Guilford counties. Page declared victory on election night, while Berger called the outcome too close to call and noted that provisional ballots and verification would continue. Under state law, the razor-thin margin triggers an automatic recount, with final certification potentially taking several weeks depending on the review process and any legal challenges. The winner will advance to the November general election in what has been one of the most expensive and closely watched legislative primaries in the history of North Carolina. This one is far from over.

Fallout:

Several long-serving incumbents from both parties lost their primaries, in what could signal a meaningful shift in the makeup of the North Carolina House. On the Democratic side, the defeated representatives were the same lawmakers who had repeatedly crossed party lines to help override Governor Stein's vetoes on some of the most controversial bills of the last session. The Republican losses are harder to pin down to one clear cause, though many observers point to the fact that 2025 became one of the least productive legislative sessions in recent memory and North Carolina remains the only state in the country that has still not passed a state budget.

With so many incumbents losing their primaries, it is a certainty that we are going to see many new faces in Raleigh in 2027. What this means for this upcoming 2026 short session is anyone's guess.