

# The Virgin Islands Consortium

## Nelson Drops Out Of Gubernatorial Race

Politics / **Published On August 04, 2018 02:41 PM /**

Ernice Gilbert **August 04, 2018**



ST. CROIX -- Senator Positive Nelson has decided to end his gubernatorial bid for the 2018 election cycle, citing cost to his pocket and his reputation as the reasons. His decision came during a Superior Court hearing here on Friday where his attorney, Trudy Fenster, moved for a dismissal of the case with prejudice, and it followed months of uncertainty after Elections Supervisor Caroline Fawkes in May deemed Mr. Nelson's candidacy defective.

The senator will serve his last few months in the Senate, after which he will be out of public office.

Mr. Nelson's decision to call it quits followed a July 23 decision by the Board of Elections to uphold Mrs. Fawke's disqualification of the Nelson/Udhwani ticket. The board's decision was a direct result of Superior Court Judge Harold Willock's ruling on July 18 to hold the board in contempt if it failed to meet and address Mr. Nelson's candidacy by August 3.

Mr. Nelson had first waged his legal battle against the Election System in District Court, but the federal court's chief judge, Wilma Lewis, ruled in June that the suit — which sought to determine whether Mr. Nelson should be allowed to run for the governorship in the 2018 general election after his candidacy was deemed defective by Mrs. Fawkes because of filing issues — should be a matter heard in the territory's local courts. Judge Lewis opined that while the District Court has jurisdiction over the matter, most of the complaints included in the suit against the Board of Elections and Election System of the Virgin Islands, pertain to local law.

The Consortium had asked Ms. Fenster why was the suit being filed in the District Court and not the local ones, to which she responded that Mr. Nelson's citizen's rights were violated by the defendants.

"You have first amendment rights, voting rights — you're disenfranchising people who signed the petition and who want to share their ideas and spread their political beliefs, which are in sync with the senator's. They're being disenfranchised," Ms. Fenster said [outside the Election System on St. Croix on June 12](#).

She added, "Then you have the 14th Amendment of the United States Constitution which is being violated because you have to provide due process when you make a decision that is going to disenfranchise voters and prevent the candidates their access to the general election ballot in November. So if, for example, Supervisor Fawkes decided that there was a defect — and we're not saying there was any — 411 C of Title 18 provides that they would have three days to cure. That's a due process right; it is guaranteed by the U.S. Constitution and the Virgin Islands Code. They were deprived of that opportunity."

During a press conference late May at Gertrude's Restaurant, the senator said his running mate, Gary Udhwani, was deemed ineligible because of filing problems. Ms. Fawkes contends that Mr. Udhwani's nomination was defective because though he filed on May 8, which was the last day for filing, some of the petitions were dated April 11 — well before Mr. Udhwani's filing, which is a violation of the nomination process.

But the senator said he was not notified of his defective candidacy as local law dictates. According to Virgin Islands Code § 411, Section C, "When a nomination petition, nomination paper or nomination certificate is found to be defective, the candidate shall be notified immediately by special messenger with the reason or reasons therefor. If a new, valid petition, paper or certificate is not filed within three days thereafter, the candidate shall be disqualified for nomination or election."

Mr. Nelson's bid [had apparently ended](#) when the senator announced a day before the deadline to file, that he could not find a running mate. "Friends, family, Virgin Islands territory, I'm not going to tell you that what I'm about to say is easy; it's not. It's not because I feel like I'm the people's chance for good government. I feel like I'm the most

prepared and qualified... And unfortunately at this time, about 3:06 p.m. on Monday, May 7, I don't have somebody that I can tell you is my running mate," he said.

The following day — [on May 8](#) — the senator's countenance at the Elections System's office was uplifted. Mr. Udhwani had joined the team and Mr. Nelson was praising God for the last-minute turn of fortunes. "Sometimes when you get in that tight spot and you lean and God, God shows up. I serve a just-in-time God," he proclaimed.

© Viconsortium 2026