



**UNITED STATES ELECTION
ASSISTANCE COMMISSION**

**TESTIMONY
OF**

**TOM WILKEY, EXECUTIVE DIRECTOR
U.S. ELECTION ASSISTANCE COMMISSION**

BEFORE THE

**HOUSE COMMITTEE ON HOUSE ADMINISTRATION
SUBCOMMITTEE ON ELECTIONS**

*U.S. Election Assistance Commission
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Madam Chair, Members of the Committee:

My name is Tom Wilkey. I am currently the Executive Director of the U. S. Election Assistance Commission.

From 1979 – 2003, I was on the staff of the New York State Board of Elections, the last 11 years as its Executive Director. From 1969-79, I was on the staff of the Erie (Buffalo) County Board of Elections.

September 11, 2001 -- a statewide primary day in New York -- was a day I will never forget, both from a personal and professional point of view. As background, New York has two different polling hours. Polls in New York City and its surrounding counties of Nassau, Suffolk, Orange, Westchester, Rockland and Ulster are open from 6 a.m to 9 p.m. In the remaining parts of the State, the polls are open from noon to 9 p.m.

In New York City, there are five borough offices and a general office where the Board's central administrative staff and departments such as computer services, and financial and poll worker departments are located. There is a Chief and Deputy Chief Clerk at each borough who manages the borough's operations. The board of Elections in the City of New York is overseen by ten Commissioners representing each borough. The City Board operation is headed by an Executive Director, Deputy Director and various senior managers.

In New York City alone, 25,000 poll workers were assigned to 1,148 poll sites where 7,780 voting machines were utilized on primary day.

It was not unusual for me to be present in New York City on Primary Day as I had spent a considerable amount of time at the City Board during my years as Operations Director and



Executive Director for the State Board. Over those many years, I had worked closely with the Board's senior and borough staff on a number of initiatives.

In addition, for many several years the State Board maintained an office on the 33rd floor of Two World Trade Center, an office that afforded an awesome view of lady liberty in the New York harbor.

The night before the primary, I arrived in New York accompanied by our Counsel for Enforcement and Director of Training.

As was my custom, I decided to spend the first several hours before the polls opened visiting polling sites in mid-town Manhattan. Counsel was assigned to the General Offices of the Board located at 42 Broadway only a few blocks from what would become "Ground Zero." Our training Director was to meet me at 8:30 a.m. at my hotel for the trip down to the General Office. On a spur of the moment decision, he decided to take the subway and get off at the Chambers Street Station rather than wait for the Board's staff to pick me up for the ride downtown.

About that time my office called on my cell to let me know a plane had hit one of the Trade Center Towers, so I went up to my room to call the Board's offices and check the local news.

Both the world and I were in total shock at what we were seeing. As I opened the drapes of my hotel window which looked directly down Broadway, I was completely frozen for several minutes.

Over the next several hours, I was in constant communication with both our offices in upstate New York and the Board's General Office on lower Broadway. Counsel researched the



matter and we determined that no provision existed in the State Election Law for postponing an election. Fortunately, two things were in play in New York City which proved most helpful. The Administrative Judge for the Eleventh Judicial District had already been assigned by the State's Chief Administrative Judge to handle any problems that came up on Primary Day. After consultation with the Judge and a request by the Board's Counsel, the Judge orally gave an order to suspend the election in New York City.

As has been customary for many years, each polling place in New York City is staffed by a New York City Police Officer who is available for any problems that may arise. Once the Judge's order was given, Central Police Command immediately contacted all the officers on duty and notified them to have poll workers pack up all materials and lock them in the back of the voting machines.

Simultaneously, New York Governor George Pataki suspended the Primary in those suburban counties which had opened at 6 a.m. and postponed the Primary for those counties that were scheduled to open at noon. The Governor postponed the Primary by issuing an Executive Order since there was no provision in state election laws to postpone or suspend an election.

Counties across the State scrambled using various resources to notify polling sites which had opened and those which had not. This involved the use of county police officers, state police, town and city clerks, as well as extensive use of the media.

After the collapse of both Towers, the General Office of the City Board was in total darkness and had lost all power. A few staff remained until approximately 1:30 p.m. when the Policy Department ordered them to vacate the offices due to a suspected gas main leak and a



potential explosion. Staff and thousands of others in lower Manhattan made their way by foot across the Brooklyn Bridge or by tugboat and ferry to the outer boroughs. My counsel walked nearly 25 blocks to our hotel, and our training director made it out of the last subway to pull out under the Chambers Street Station near Ground Zero and ran the entire distance back to the hotel.

Needless to say, the remainder of the day was shocking, and I spent a lot of time contacting friends and relatives who were calling my office to find out if I was okay and fielding calls from all across the country while staying glued to the TV. That evening we walked through the nearly deserted city to St. Patrick's Cathedral to offer prayers for the many who had lost their lives that day and for those who had survived. The eerie figures of police and fire personnel in ash-soaked uniforms making their way up the Cathedral aisle will live in my mind forever. Later that evening we joined hundreds of tourists who were stranded from their homes all around the world, and congregated in the lobby, all eyes glued to the TV set. No one had much to say.

Early the next morning we awoke to the realization that the City was still in shock and amidst much chaos. Traffic in and out of Manhattan was virtually impossible and subways were barely running. The area below 14th Street was completely closed except to police and fire authorities.

After several hours, I made my way to the Bronx Borough offices by subway where I met the Board's Executive Director and Administrative Manager. Other senior managers were instructed to report to the borough offices where they lived as the Board's General Office was essentially inaccessible. Throughout the day we assessed the situation.



The City Board's two Manhattan offices were inaccessible. The Staten Island Office, located within a Police Department facility, was intermittently locked down. The Brooklyn warehouse was in a no-vehicle zone under the Brooklyn and Manhattan Bridges. The Manhattan warehouse was next door to the Javits Center, the command post for the State Police and Rescue Supply Efforts. The computer files were inaccessible and the poll list printers' facilities located in the World Trade Center was destroyed. The producers of the supply envelopes were located across the street from the Trade Center. Fortunately, the printer for the ballots and supplies were located in upstate New York.

By Thursday morning, the initial shock began to subside and we were faced with many tasks in moving forward. Only a handful of us were aware that the City Board's Executive Director was scheduled for by-pass surgery on Friday and had held off telling the Commissioners and staff until that Thursday. After some discussion, my Commissioners directed me to remain in New York City for the foreseeable future to assist the Board in whatever help they needed.

In the meantime, the leadership of the State Legislature and their staffs began discussions on setting a new Primary date. The run-off election in New York City had originally been scheduled (if needed) for September 25th; the proposed legislative plan set September 25th as the rescheduled Primary Election date for the entire state and the run-off (again, if needed) for October 11th in New York City. While we had little time to consider and evaluate the implications of the proposed dates, we had great concerns about meeting the ambitious timetable. However, on that day the Legislature passed, and the Governor signed, "The Emergency Primary Rescheduling Act of 2001."



Late that afternoon and evening, we made the long journey by car to the Board's Brooklyn office where the Commissioners of the City Board and senior staff began reviewing all of the statutory mandates of the new Primary timetable. Senior staff was given specific assignments on the many issues including the return of 7,700 voting machines to their respective warehouses to be re-programmed. Given the near impossibility of travel in many parts of Manhattan alone, this was a huge undertaking.

The Board's General Office staff was instructed to go to the closest or most accessible Board facility. They notified our trucking contractors to start their pick-up of voting machines from the poll sites to be returned to the warehouses. Senior staff worked with the Board of Education and the Police Department to obtain access to school buildings and get the moving vans through the various security checkpoints and frozen zones. They also worked on making sure that after being checked and reset, the voting machines could be shipped back to the poll sites to meet the new deadlines.

The Management Information Systems Department secured the back-up copy of the poll list books from the secure out-of-city facility, and Xerox Business Systems, the poll book printer got a temporary printing facility up and running to produce the poll books. In accordance with the newly enacted statute, the Board wrote and placed the Public Notices announcing the rescheduled primary date, the new day and time for machine inspections by candidates, and the special absentee voting procedures for residents of Lower Manhattan. Notices were also posted about the poll site relocations, necessitated by the closing of part of Lower Manhattan along with school relocations and resulting overcrowding.



For over a week, the Board's General Office in Lower Manhattan was without electricity and had only limited telecommunications capabilities. Specifically, the high-speed data lines between the Board's General Office, the City's Central Computer Facility and the Borough Offices all had run through Verizon's West Street Facility. That is the building next to the Trade Center which had steel girders blown into it along with thousands of gallons of water.

The Board's Management Information Department, senior staff, and consultants did an incredible job in getting the system up and running. As I was leaving that week-end to go home for a day and repack, I received a call at Penn Station from the Board's ballot printer that new ballots and supplies were already being printed and shipped for the new Primary.

The rescheduled Primary Day, Tuesday, September 25th, was a cold, wet day in New York City. As I made my way in the early hours with Board employees transported up through a high security zone and past the still smoldering ruins of a once dynamic and awesome twin towers, I could not help but think of the thousands of people of New York and across the country who were directly affected by this tragic event. A few minor problems occurred on Election Day, particularly in Lower Manhattan in the areas near Ground Zero. Some confusion occurred regarding relocated poll sites, including one set up in a tent off Hudson Street. A few poll sites did not get enough supplies or paper ballots, but on the whole, as a result of our extensive planning and actions, the Rescheduled Primary – held only 14 days after the worst attack in American history – was held, thanks to some of the most dedicated individuals I have met in my nearly 40 years in this business.



That evening, we actually left the office by 10:00 p.m. because the police computer system was not up and running to report Preliminary Election results. So we did it the old fashioned way. Tally sheets completed by the inspectors were brought back from the poll sites to the neighborhood police stationhouse. From each of the City's 75 police precincts, the tally sheets were separated and hand-delivered to: (a) The Board's Borough Offices; (b) Police headquarters, and (c) a central tally center set up by the Associates Press (AP). There, AP tabulated the numbers to generate preliminary results.

There is no question that the events of September 11th point to the need for comprehensive, sound and detailed contingency planning. While we pray by the Grace of our Almighty that we never witness another tragedy of this proportion, the fact remains that the possibility of many types of emergencies will occur remain. And these emergencies could happen anywhere in the nation. We already know that unanticipated situations can and do occur on Election Day. We've seen hurricanes, tornadoes, fires, electrical shut-downs and threats to schools and public places.

While we were lucky in New York City to have the immediate assistance of the New York Police Department, there still was a need for a more detailed plan of what to do in the event a polling site must close or an entire operation relocated.

We were also fortunate enough that we had the foresight to arrange for a second back-up tape of the City's registered voters, located outside the City it allowed for poll books to be reprinted in time for the election. Every election office in our nation needs to take a hard look at its internal and external procedures and determine how they could continue operations prior to



and on Election Day if they were faced with an emergency. These questions need to be addressed:

- Do we have contact information for all poll workers?
- Do we have a procedure for how to contact them?
- Do our polling sites have cell phones or other means of communication?
- Are we prepared for relocating our polling sites to a new location?
- Are we capable of relocating an entire election operation to a new facility if necessary?
- Do we have a back-up tape of all information, registered voters, poll worker information, polling sites, contact numbers in an off-site location and in a secondary location as well?
- Have we provided for immediate security and storage of voting equipment, ballots and other official documents?
- Do we have available police, fire and other emergency services to assist in transportation and a variety of services?

These and other details need to be addressed and readily available before, during and after for even the smallest emergency that may occur.

I am grateful that during my time here at the EAC we have addressed these issues in the Quick Start Guide on Contingency Planning as well as issues that are addressed as part of our ongoing series of Election Management Guidelines. It is another outstanding example of the EAC getting valuable information into the hands of the nation's state and local election offices.

Finally, I must acknowledge again the outstanding efforts exhibited by the Commissioners, Senior Staff and nearly 300 employees of the New York City Board of Elections



for their hard work, determination and spirit of “making it work” that was demonstrated in the aftermath of that horrible day. I also commend the many election officers throughout the nation that called to offer whatever assistance they could.

They and hundreds of election officials all across New York are to be commended for all their outstanding efforts following America’s greatest tragedy. They are and continue to be a fine example of the professionalism and dedication of election officials all across this great nation.

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