

December 7, 2004

Secretary of State of Georgia
214 State Capital
Atlanta, GA 30334
Attention: Kathy Rogers

Re: Hardware Maintenance – Contract for the Purchase of Statewide Voting System,
Contract No. GTA000040, dated May 3, 2002, as amended (the “Contract”)

Ladies and Gentlemen:

This letter states our agreement about the extension of warranties for voting device units bought under the above specified Contract, which will be performed under the Contract and the Extended Warranty Agreement attached to the Contract as Appendix I except as specifically stated here. These changes will constitute the “Sixth Amendment to the Contract” and the extended warranty services as amended will be deemed “the Extended Warranty Services.” In the event of a conflict between (i) the Contract as it exists now (including for purposes of clarity and not limitation Appendix I and the five preceding amendments to the Contract), and (ii) the terms listed below, the terms listed below prevail.

We agree as follows:

1. The Secretary of State will receive, during the period beginning on the date of this letter and ending on December 31, 2005, Extended Warranty Services for:
 - (a) The 19,015 AccuVote Touch Screen voting device units originally bought under the Contract;
 - (b) The 400 AccuVote Optical Scan voting device units originally bought under the Contract; and
 - (c) The 955 AccuVote Touch Screen voting device units bought under the Contract in September 2004.
2. The Secretary of State will pay the Contractor, on or before July 1, 2005, \$1,594,300 for the Extended Warranty Services through December 31, 2005. This amount is calculated in accordance with Appendix I:

(a) 19,015 x \$80 = \$1,521,200

(b) 400 x \$135 = \$54,000

(c) 955 x \$80 x .25 = \$19,100

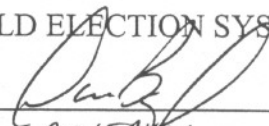
(The 955 units purchased by the Secretary of State in September 2004 have a one-year warranty that will expire in September 2005; consequently, the extended warranty charge for the 955 units is prorated for the last three months of 2005.)

TOTAL: \$1,594,300


3. In accordance with the Contract, as now amended, , Extended Warranty Services will be available at the election of the Secretary of State during calendar year 2006 at \$95 per AccuVote Touch Screen voting device unit and \$150 per AccuVote Optical Scan voting device unit. This will be the final Option Year for Extended Warranty Services. For the six years of Extended Warranty Services provided for in Paragraph 3.1 of Appendix I and 2.5 of the Contract proper, the adjustments permitted DESI will be based on these rates.
4. DESI will offer the same Extended Warranty Services and charges as herein provided to counties within the State of Georgia that purchased additional voting device units prior to the date of this letter.

Please indicate your agreement with these terms by countersigning where indicated below, faxing a copy of the countersigned letter to (972) 542-6044 (Karen Gantt) and delivering the countersigned letter by courier to our offices.

DIEBOLD ELECTION SYSTEMS, INC.

By: 
Name: DAVE DEROSIER
Title: DIRECTOR / OPERATIONS

ACCEPTED AND AGREED:
SECRETARY OF STATE

By: 
Name: Laura J. Meadows
Title: Asst. Sec. of State


Post-Election Action Agenda

	Issue	Solution
1	Certification	The voting system, including any upgrades to the voting system, will be certified pursuant to all applicable national and Georgia standards.
2	Software and peripheral issues	Pursuant to deployment plan agreeable to Secretary of State, will install GEMS v. 1.18.15 and BS v. 4.3.13 ("Upgrade"). Will confirm functional necessity and installation of 0808 patch on all systems, and equip all units with 128 cards mb containing appropriate architecture during course of Upgrade.
3	Full inventory and accounting of all state owned equipment, including accessories, peripherals, supervisor cards, voter with disability units (VWD), etc.	Will be completed during Upgrade and inventory logs will be provided to the counties and the Secretary of State.
4	Voting unit and encoder performance concerning select units and encoders	Will inspect any units identified as having any performance issues pursuant to Contract Warranty and repair or replace as necessary. Will provide documentation including internal testing protocols and data regarding encoder battery shelf life.
5	Manuals, Documentation and Training issues	Contractor will provide up-to-date and accurate manuals and documentation for the Voting System as will be deployed and in place following the Upgrade subject to the Second Amendment. Pursuant to training plan agreeable to Secretary of State, will team with State of Georgia and Kennesaw State University (KSU) to develop mutually acceptable additional training curriculum and conduct same for KSU employees, SOS and local elections officials.
6	Ballot printing	General Manager of Printed Products will provide technical assistance in regard to the printing of all DESI-printed ballots. Will conduct at least 2 regional informational conferences for prospective printers desiring to be qualified by Contractor. Will provide now and periodically update list of all currently qualified printers to the Secretary of State and to the counties. Will provide current DESI printing standards. Will provide printers in the State of Georgia with the opportunity to become qualified for a fee not to exceed \$2,500.00.
7	Voter Access Card issue	Will install new Voter Access Card receptacle at time of Upgrade to all State and county owned TS

		units.
8	Server performance	Will resolve any server performance issues including installed components of server pursuant to warranty with Dell and any other appropriate component vendor.
9	Optical Scan Tabulator and Accu-Feed performance testing and training including ballot boxes.	Will conduct Accu-Feed, and ballot box inspection and adjustments at time of Upgrade. Will provide additional training within the Module Two training regarding Optical Scan, Accu-Feed and ballot box use pursuant to training plan.
10	Technical support	Will provide technical support upon request, as provided for in the Contract. Norma Lyons, or in her absence another Diebold Elections Systems, Inc. employee, to serve as contact point for State and county election officials.
11	Scope of L & A testing	Will provide documentation to increase scope of manual L&A to verify that summary screen and recorded data correctly reflect choices.
12	Scroll bar issue	Upgrade includes scroll bar location change.
13	Voter registration issues	Will make proposals in early 2003 concerning voter registration system. Will provide voter registration account lists during proposal.
14	In-state maintenance	Will provide a facility in Georgia to receive equipment by mail, delivery or drop off for repairs and warranty repairs. For items under warranty Diebold will bear cost from reception to tender back at facility.

Initialed:

Secretary of State:

 Secretary of State Cathy Cox

Diebold Elections Systems, Inc.

