

CONTRACT MODIFICATION  
Maryland State Board of Elections

Modification No.: 3

Contract No.: SBE-2002-01

Date of Modification: September 12, 2003    Contract Dated: BPW 12/12/2001

Between the State of Maryland, Maryland State Board of Elections (“SBE”) (Customer) and Diebold Election Systems, Inc. (“DESI”) (Contractor) to provide Direct Recording Electronic Voting System and Optical Scan Absentee Voting System for nineteen (19) counties. This modification replaces the “by reference” document list in Modification No. 2 with the list herein and adds a fifth document with State security policy and standards to be incorporated in the contract for all jurisdictions by reference. If there is any conflict between the contract and the exhibits, the terms of the contract shall govern. If there is any conflict among the exhibits, the following order of precedence shall determine the prevailing provision:

1. By reference, SBE document dated July 18, 2003, titled “Information Technology Contract Modifications” is incorporated into the Contract.
2. By reference, Department of Budget and Management Office of Information Technology document dated June, 2003, titled “Information Technology Security Policy and Standards” is incorporated into the Contract.
3. By reference, SBE document dated June 19, 2003, titled “Phase II Implementation Plan” is incorporated into the Contract.
4. By reference, DESI document dated June 12, 2003, titled “State of Maryland Hardware and Services by Year” is incorporated into the Contract.
5. By reference, DESI document dated July 1, 2003, titled “AccuVote Touch Screen Voting System Bill of Materials” is incorporated into the contract.

In addition to DESI’s commitment to correct the thirteen vulnerabilities identified in the Security Analysis, DESI shall incorporate the standards set forth in the Information Technology Security Plan and Standards into the voting system software and firmware, associated documentation, and all other aspects of the Contract at no additional charge.

All labor and materials required hereunder shall be provided in accordance with and subject to all of the provisions of the original Contract between the State and Contractor, which Contract remains in full force and effect except as expressly modified herein.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers, agents or officials.

CONTRACTOR

\_\_\_\_\_  
Witness

By: \_\_\_\_\_(SEAL)  
Corporate Officer/Authorized Agent

\_\_\_\_\_  
Title of Officer/Agent Printed Name

STATE OF MARYLAND  
State Board of Elections

\_\_\_\_\_  
Witness

By: \_\_\_\_\_(SEAL)  
Linda H. Lamone  
Administrator

Approved as to form and legal sufficiency

this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Assistant Attorney General