

Shifflette, Andy

From: Herron, Barry [barry@dieboldes.com]
Date: Tuesday, July 08, 2003 10:04 AM
To: Walch, Dana
Subject: RE: Voting System Demonstrations

Dana,

Diebold Elections Systems reserves Friday, the 18th for our demonstration.

Dana, we would appreciate an opportunity to talk at length with you regarding the time it takes to provide a quality in depth demonstration as we have scheduled seminars all across the State starting the week of July 14th. Due to the county and staff commitments already in place, Friday would be the only available date that week.

Bob Diekmann is attempting to contact you by phone today to discuss.

Thank you for your time in advance.

Barry Herron
Director of Sales
Diebold Election Systems
800-433-8683
barry@dieboldes.com
913-488-5446 (cell)

-----Original Message-----

From: Walch, Dana [mailto:DWALCH@sos.state.oh.us]
Date: Monday, July 07, 2003 3:46 PM
Subject: Voting System Demonstrations

MEMORANDUM

TO: VOTING MACHINE VENDORS
FROM: DANA WALCH, DIRECTOR OF ELECTION REFORM
DATE: JULY 7, 2003
SUBJECT: SCHEDULING OF VOTING SYSTEM DEMONSTRATIONS

As our evaluation team continues through the phase 2 evaluation of the voting system proposals, we would like to schedule your company for the phase 3 demonstrations detailed in our RFP. We are scheduling these demonstrations for the week of July 14-18. While we are not completed with the phase 2 evaluations, we need to schedule these demonstrations to give you ample time to prepare. If any of your proposals does not make it past the phase 2 evaluation, we will contact your company to cancel the demonstration.

We must schedule five vendors over five days. We are planning to have one vendor scheduled for each of the days of that week. Appointments will be made on a first-come, first-serve basis. Please e-mail me with your company's preferred date. If your preferred date is unavailable, I will contact you with what times are still available. Please confine all communication on this subject to e-mail only.

Each vendor must demonstrate all aspects of the voting equipment they have proposed. The equipment must be new/boxed equipment. The demonstration must include the complete pre-election, election day and post -election procedures. The procedures must include election programming including registration and split precincts, logic and accuracy testing, opening and closing of polls, and recounts. The demonstration must include a primary with 17-year-old voters and a general election with multi-district precincts. A demonstration of provisional voting, absentee voting and voting by the disabled must also be conducted.

Please do not hesitate to contact me if you have any questions.

Shifflette, Andy

From: Herron, Barry [barry@dieboldes.com]
Date: Tuesday, July 08, 2003 10:54 AM
To: Walch, Dana
Subject: RE: Voting System Demonstrations

Dana,

Thank you. Look forward to your further instructions.

Barry Herron
Director of Sales
Diebold Election Systems
800-433-8683
barry@dieboldes.com
913-488-5446 (cell)

-----Original Message-----

From: Walch, Dana [mailto:DWALCH@sos.state.oh.us]
Sent: Tuesday, July 08, 2003 9:39 AM
To: 'Herron, Barry'
Subject: RE: Voting System Demonstrations

Barry --

We have Diebold scheduled for Friday, July 18th. We are planning on the demonstrations taking the better part of the day. I will get back with you later today on an exact time for the beginning of the demonstration.

Thank you.

Dana

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From: Herron, Barry [mailto:barry@dieboldes.com]
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Shifflette, Andy

From: Herron, Barry [barry@dieboldes.com]
Sent: Tuesday, July 08, 2003 4:21 PM
To: Walch, Dana
Cc: Herron, Barry
Subject: RE: Voting System Demonstrations

Dana we have generated some questions today to help us prepare for the presentation.

They are:

1. Is the State going to provide us with the specific election information they want us to use in the demo for the primary and general elections or are we to prepare a demo election or emulate actual past elections?
2. If the State is providing the ballot information, will it be in advance, or the day of?
3. How many persons from the State are we expecting to attend?
4. Could we find out in advance of the demo the size of the actual location or room? The size of the location could affect the amount of equipment we bring.

Thanks for your response. I am certain we may have more as we continue planning.

Barry Herron
 Director of Sales
 Diebold Election Systems
 800-433-8683
 barry@dieboldes.com
 913-488-5446 (cell)

-----Original Message-----

From: Herron, Barry
Sent: Tuesday, July 08, 2003 10:02 AM
To: 'Walch, Dana'
Subject: RE: Voting System Demonstrations

Dana,

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Sent: Tuesday, July 08, 2003 9:39 AM
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Subject: RE: Voting System Demonstrations

8/20/2003

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Thank you.

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Shifflette, Andy

From: Herron, Barry [barry@dieboldes.com]
To: Tuesday, July 08, 2003 5:45 PM
From: Walch, Dana
Subject: RE: Voting system demonstration information

Thank you.

Barry Herron
Director of Sales
Diebold Election Systems
800-433-8683
barry@dieboldes.com
913-488-5446 (cell)

-----Original Message-----

From: Walch, Dana [mailto:DWALCH@sos.state.oh.us]
Sent: Tuesday, July 08, 2003 4:04 PM
Subject: Voting system demonstration information

MEMORANDUM

TO: VOTING MACHINE VENDORS
FROM: DANA WALCH, DIRECTOR OF ELECTION REFORM
SUBJECT: ADDITIONAL INFORMATION ON VOTING SYSTEM DEMONSTRATIONS
DATE: JULY 8, 2003

Now that all of the demonstration dates are scheduled, I wanted to give additional information regarding the phase 3 vendor demonstrations. Demonstrations will be held at the Ohio Secretary of State's Office, 180 E. Broad St. Columbus, OH. All demonstrations will begin at 9:00 A.M. and will end by 5:00 P.M.

The demonstration must begin with no preloaded information on the equipment. Vendors must demonstrate all equipment that was proposed in your response to our RFP. We will provide you with a test packet upon your arrival which will outline the demonstration you will present to the evaluation team. The demonstration will include the complete pre-election, election day and post-election procedures. The procedures must include election programming including rotation and split precincts, logic and accuracy testing, opening and closing of polls, and recounts. The demonstration must include a primary with 17-year-old voters and a general election with multi-district precincts. A demonstration of provisional voting, absentee voting and voting by the disabled must also be conducted.

Vendors must bring official(s) who can program and demonstrate all of the above procedures. This demonstration will be similar to the certification testing before the Ohio Board of Voting Machine Examiners.

Please do not hesitate to contact me if you have any questions.

Shifflette, Andy

From: Herron, Barry [barry@dieboldes.com]
Date: Wednesday, July 09, 2003 6:04 PM
To: Walch, Dana
Subject: RE: Voting Demonstration Questions

Thanks for the quick response.

Barry Herron
Director of Sales
Diebold Election Systems
800-433-8683
barry@dieboldes.com
913-488-5446 (cell)

-----Original Message-----

From: Walch, Dana [mailto:DWALCH@sos.state.oh.us]
Sent: Wednesday, July 09, 2003 4:48 PM
Subject: Voting Demonstration Questions

MEMORANDUM

TO: VOTING SYSTEM VENDORS
FROM: DANA WALCH, DIRECTOR OF ELECTION REFORM
SUBJECT: VOTING DEMONSTRATION QUESTIONS
DATE: JULY 9, 2003

We have received a few questions regarding the vendor demonstrations scheduled for next week. Because there was some overlap in the questions, I have combined the questions asked and the answers on the attached document. Please do not hesitate to contact me if you have any additional questions.

<<Demonstration QA.doc>>

Shifflette, Andy

From: Walch, Dana
To: Thursday, July 10, 2003 4:45 PM
Subject: 'barryh@dieboldes.com'
Additional Clarification

Barry -

We are currently in the process of conducting the detailed proposal review. As a result of that review, the proposal evaluation team has identified areas that require additional clarification. Please provide your responses to the questions and/or comments listed below by 4:00 P.M. Monday, July 14:

Diebold Questions:

1. Provide documentation to support the claim of a 20-year DRE life expectancy.
2. Are you proposing your optical count system be used for precinct count purposes?
3. Provide the number of units built by Diebold versus Global.
4. Restate number of languages supported.
5. What is your definition of small, medium and large counties?
6. Clarify loaner response to RFP on Election Day.
7. When was your last major upgrade?
8. Where will your project management team be located?
9. How many teams are you proposing?
10. How many staff members per team?
11. What are their roles?
12. How many staff hours are you projecting over the life of the project?
13. What output file types can be produced directly from the management system?
14. Acknowledge your intent to accept the state's deliverable acceptance criteria.
15. Restate that you will meet all terms of the performance bond as specified in the RFP.
16. Provide an organizational chart depicting your proposed project structure

Please do not hesitate to contact me if you have any questions.

Sincerely,

Dana Walch

Shifflette, Andy

From: Walch, Dana
To: Monday, July 14, 2003 5:32 PM
'barryh@dieboldes.com'
Subject: FW: Additional Clarification

Barry -

We have not received a response to the below e-mail. Are you going to send responses to these questions?

Your prompt response will be appreciated.

Thank you.

Dana Walch
Director of Election Reform

-----Original Message-----

From: Walch, Dana
Sent: Thursday, July 10, 2003 4:45 PM
To: 'barryh@dieboldes.com'
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Please do not hesitate to contact me if you have any questions.

Sincerely,

Dana Walch

Shifflette, Andy

From: Mays, Charlette [MaysC@diebold.com]
To: Tuesday, July 15, 2003 10:18 AM
'Walch, Dana'
Subject: RE: Additional Clarification
Importance: High

Mr. Walch:

For question #7, "When was your last major upgrade?" are you wanting to know for the State or to the ITA?

Thank you,

Charlette Mays

-----Original Message-----

From: Walch, Dana [mailto:DWALCH@sos.state.oh.us]
Sent: Tuesday, July 15, 2003 6:58 AM
To: 'charlette@dieboldes.com'
Cc: 'barryh@dieboldes.com'; 'mickeym@dieboldes.com'
Subject: FW: Additional Clarification

> -----Original Message-----

> **From:** Walch, Dana
> **Sent:** Monday, July 14, 2003 5:32 PM
> **To:** 'barryh@dieboldes.com'
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> Director of Election Reform

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- > Sincerely,
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- > Dana Walch

Shifflette, Andy

From: Herron, Barry [barry@dieboldes.com]
t: Tuesday, July 15, 2003 10:41 AM
Subject: Walch, Dana
RE: Additional Clarification

Dana, thank you for the extension of time. I should have asked that you copy Charlette on all RFP emails as she is the Proposal Manager and is always available, unlike me on the road all the time.

We will provide the responses today.

Again thank you for your understanding.

Barry Herron
Director of Sales
Diebold Election Systems
800-433-8683
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-----Original Message-----

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Dana Walch

Shifflette, Andy

From: Walch, Dana
To: Tuesday, July 15, 2003 10:54 AM
Subject: 'Mays, Charlette'
RE: Additional Clarification

Charlette -

We were looking for either/both from the state or ITA on your last major upgrade.

Thank you.

Dana Walch
Director of Election Reform

-----Original Message-----

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> Dana Walch

Shifflette, Andy

From: Herron, Barry [barry@dieboldes.com]
t: Tuesday, July 15, 2003 11:58 AM
Walch, Dana
Subject: RE: Additional Clarification

Sorry Dana this is the email I sent while on the plane last night. I just noticed it went through this morning after the earlier message.

Barry Herron
Director of Sales
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800-433-8683
barry@dieboldes.com
913-488-5446 (cell)

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15. Restate that you will meet all terms of the performance bond as specified in the RFP.
16. Provide an organizational chart depicting your proposed project structure

Please do not hesitate to contact me if you have any questions.

Sincerely,

Dana Walch

Shifflette, Andy

From: Mays, Charlette [MaysC@diebold.com]
t: Tuesday, July 15, 2003 4:34 PM
Cc: 'Walch, Dana'
Subject: Herron, Barry; Martin, Mickey
RE: DESI Responses Additional Clarification (Statewide Voting System)

Importance: High



Bond Letter
(Marsh).pdf



DESI Responses (St
of Ohio).do...

Mr. Walch:

Attached are DESI's responses to your questions.

Thank you for the opportunity to respond.

Sincerely,

Charlette Mays
Proposal Manager
Diebold Election Systems
1611 Wilmeth Road
McKinney, Texas 75069
(972) 542-6000
FAX: (972) 542-6044
email: charlette@dieboldes.com <mailto:charlette@dieboldes.com>

-----Original Message-----

From: Walch, Dana [mailto:DWALCH@sos.state.oh.us]
Sent: Tuesday, July 15, 2003 6:58 AM
To: 'charlette@dieboldes.com'
Cc: 'barryh@dieboldes.com'; 'mickeym@dieboldes.com'
Subject: FW: Additional Clarification

> -----Original Message-----

> From: Walch, Dana
> Sent: Monday, July 14, 2003 5:32 PM
> To: 'barryh@dieboldes.com'
> Subject: FW: Additional Clarification

> Barry -

> We have not received a response to the below e-mail. Are you going to
> send responses to these questions?

> Your prompt response will be appreciated.

> Thank you.

> Dana Walch
> Director of Election Reform

> -----Original Message-----

> From: Walch, Dana
> Sent: Thursday, July 10, 2003 4:45 PM
> To: 'barryh@dieboldes.com'
> Subject: Additional Clarification

> Barry -

> We are currently in the process of conducting the detailed proposal
> review. As a result of that review, the proposal evaluation team has
> identified areas that require additional clarification. Please provide
> your responses' to the questions and/or comments listed below by 4:00 P.M.
> Monday, July 14:

> Diebold Questions:

- > 1. Provide documentation to support the claim of a 20-year DRE life
> expectancy.
- > 2. Are you proposing your optical count system be used for precinct
> count purposes?
- > 3. Provide the number of units built by Diebold versus Global.
- > 4. Restate number of languages supported.
- > 5. What is your definition of small, medium and large counties?
- > 6. Clarify loaner response to RFP on Election Day.
- > 7. When was your last major upgrade?
- > 8. Where will your project management team be located?
- > 9. How many teams are you proposing?
- > 10. How many staff members per team?
- > 11. What are their roles?
- > 12. How many staff hours are you projecting over the life of the
> project?
- > 13. What output file types can be produced directly from the management
> system?
- > 14. Acknowledge your intent to accept the state's deliverable acceptance
> criteria.
- > 15. Restate that you will meet all terms of the performance bond as
> specified in the RFP.
- > 16. Provide an organizational chart depicting your proposed project
> structure

> Please do not hesitate to contact me if you have any questions.

> Sincerely,

> Dana Walch

July 15, 2003

Ohio Secretary of State
180 E. Broad Street
Columbus, OH 43212

RE: Diebold Election Systems, Inc.
Statewide Voting Systems

To Whom It May Concern:

Federal Insurance Company is the surety company for Diebold Election Systems, Inc. We have provided bonds for Diebold Election Systems, Inc. for a number of years. Should Diebold Election Systems, Inc. be required to provide a bond on the above mentioned project, we would provide the required bond support, subject to our normal underwriting guidelines, including, but not limited to acceptable terms, conditions and bond forms.

Any arrangements for bonds is a matter between Diebold Election Systems, Inc. and Federal Insurance Company and we assume no liability to a third party if for any reason bonds are not executed.

Please be advised that nothing in this letter supersedes or otherwise amends the rights of Diebold Election Systems, Inc. or Federal Insurance Company that have been granted under the Federal Insurance Company Agreement of Indemnity that has been signed by the parties if surety credit is to be granted by Federal Insurance Company.

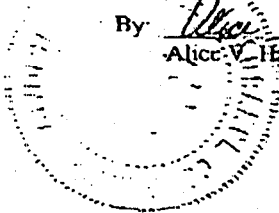
We consider Diebold Election Systems, Inc. to be one of our finest clients.

FEDERAL INSURANCE COMPANY

By



Alice V. Halter, Attorney-In-Fact





**Chubb
Surety**

**POWER
OF
ATTORNEY**

**Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company**

**Attn: Surety Department
15 Mountain View Road
Warren, NJ 07059**

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint Thomas J. McCormick, III, James E. Finn, Kimberly G. Sherrod and Heidi V. Gress of Columbus, Ohio, Alice V. Halter, Margaret A. Smith and James C. Chapman of Cleveland, Ohio-----

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 30th day of April, 2003

Kenneth C. Wendel
Kenneth C. Wendel, Assistant Secretary

Frank E. Robertson
Frank E. Robertson, Vice President

STATE OF NEW JERSEY } ss.
County of Somerset

On this 30th day of April, 2003, before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority, and that he is acquainted with Frank E. Robertson, and knows him to be Vice President of said Companies, and that the signature of Frank E. Robertson, subscribed to said Power of Attorney is in the genuine handwriting of Frank E. Robertson, and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



Karen A. Price
Notary Public State of New Jersey
No. 2231647
Commission Expires Oct. 28, 2004
CERTIFICATION

Karen A. Price
Notary Public

Extract from the By-Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U. S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U. S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island, and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 15th day of July, 2003



Kenneth C. Wendel
Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903-3485 Fax (908) 903-3656 e-mail: surety@chubb.com