HB0333_Election_Disinformation_on_Large_Social_Med Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0333

Election Disinformation on Large Social Media Platforms and Influence Related to Voting

Bill Sponsor: Delegates Rosenberg and Wilkins

Committee: Education, Energy, and the Environment **Organization Submitting:** Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0333 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Social media is a campaign manager's dream. It's cheap and can be targeted, typically against low information and disadvantaged voters. Claims can largely be made without attribution and without liability. Sarcasm is a favorite tool for initiating misinformation.

Our Maryland Board of Elections is being proactive against misinformation. However, current laws don't go far enough. In a January 27, 2024, meeting with the Maryland League of Women Voters, Maryland's State Administrator of Elections voiced his support of HB0333 because it will give his office the ability to go back to voters directly affected by social media disinformation. This law will also allow BOE to get creators of disinformation to be removed from the social media platform.

In addition to helping to get great bills like HB0333 passed, MLC's mission is to inform voters about such legislation and their legislators. We do not want our efforts undone by election disinformation.

We support this bill and recommend a **FAVORABLE** report in committee.

HB0333-EEE_MACo_SUP.pdf Uploaded by: Kevin Kinnally

Position: FAV



House Bill 333

Election Law - Election Disinformation and Improper Influence Related to Voting

MACo Position: **SUPPORT**To: Education, Energy, and the Environment

Committee

Date: March 27, 2024 From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** HB 333. This bill provides necessary and timely policy changes to protect election integrity and public servants charged with ensuring fair, open, and transparent elections.

Counties administer and fund elections at the local level, overseeing polling places and coordinating poll workers every two years. New and evolving threats from hostile actors and defending against a constant stream of disinformation are top of mind for county leaders and state and local election officials alike.

Election disinformation — including lies about the voting process and election workers — erodes public trust and suppresses voter turnout. By requiring large social media platforms to detect and report election disinformation to the State Board of Elections, HB 333 promotes transparency and takes an important step toward protecting the integrity of elections in Maryland.

Maryland law protects state and local elected officials who perform their duties – making it a crime for residents to threaten, intimidate, or otherwise impede their public responsibilities. However, unlike some states, Maryland does not extend these protections to other non-elected officials who perform administrative or oversight roles but may suffer the same potentially dangerous feedback from angry residents.

It is critical that those on the front lines of our democracy—election workers and officials—can safely and effectively do their jobs. HB 333 clarifies and bolsters protections for election officials and voters alike, ensuring that voters can cast ballots and that elections are freely and fairly administered, and targeting the spread of false information that may otherwise trigger animus toward elections staff.

According to a 2022 Brennan Center for Justice poll, election officials are under attack and leaving their jobs. More than half of the respondents expressed concerns about the safety of their colleagues. Nearly one in three knew at least one colleague who quit their job partly or entirely because of safety concerns, increased threats, or intimidation.

HB 333 extends reasonable and necessary protections for election integrity and local election workers and officials. Accordingly, MACo requests a **FAVORABLE** report on HB 333.

HB333 Election law- Rosenberg SENATE Testimony FIN Uploaded by: Samuel Rosenberg

Position: FAV

SAMUEL I. "SANDY" ROSENBERG

Legislative District 41
Baltimore City

Health and Government Operations Committee

Chair
Health Occupations and
Long-Term Care Subcommittee

House Chair
Joint Committee on Administrative,
Executive, and Legislative Review



THE MARYLAND HOUSE OF DELEGATES Annapolis, Maryland 21401

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Baltimore, Maryland 21207
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Testimony of Delegate Samuel I. Rosenberg

Before the Senate Education, Energy and Environment Committee

In support of

House Bill 333

Election Law- Election Disinformation on Large Social Media Platforms and Influence Related to Voting

Madame Chair and Members of the Committee:

We are all aware of the growing impact that disinformation is having on the political process.

This is not a new phenomenon.

Twenty years ago, flyers encouraged people to vote on a date two days after Election Day.

This committee passed a bill that made it a crime to knowingly use fraud or other means to influence a voter's decision whether to vote.

But the bad actors who seek to mislead voters have new technology at their command through social media.

House Bill 333, as amended, would deter this corruption of the electoral process while protecting First Amendment rights. First, it defines "election disinformation" to mean "incorrect or misleading information regarding the time, place or manner of an election, election results or voting rights in the state." This definition should address any concerns that free speech would be infringed upon by this legislation.

Second, mandated reporting by social media platforms – which also raised First Amendment concerns – and the related penalties have been removed from the bill. SBE would now have the authority to issue corrective information or refer submissions to the State Prosecutor.

The U.S. Supreme Court is now considering the constitutional relationship between social media platforms. After oral argument earlier this month, the court will decide the extent to which governments can try to persuade companies to remove certain posts from websites - if they do not use coercion.

HB 333 would further address common occurrences during elections, such as misleading robocalls and mailings, by adding to existing law a more comprehensive definition of "influence." Using certain means to induce action or change the decision or act of another would be prohibited "regardless of the medium used." This new definition would strengthen the law and provide clarity for law enforcement and the courts when combatting voter suppression.

Fair and reliable elections are at the very heart of our democracy. Disinformation assaults that fundamental concept.

House Bill 333 would strengthen our protections against this unscrupulous behavior.

For all these reasons, I request a FAVORABLE report for HB 333.

March 27, 2024

2024 HB0333 Testimony Against 2024-03-27.pdf Uploaded by: Alan Lang

Honorable Senators

I oppose HB0333.

The amendment defines Election Disinformation as meaning "incorrect or misleading information regarding the time, place, or manner of an election, **election results**, or voting rights in the state." The definition of disinformation is concerning because it does not address misinformation. One could post information that has a typo regarding the time or place of an election and it was not meant to deceive, thus misinformation or just an error.

More importantly, it could make posting information about past election results disinformation if one contends that errors were made and one posts results from any of the election integrity groups who are finding actual errors in vote totals and voting rolls. Since everyone knows that the 2020 and 2022 elections were the most accurate and fraud-free elections in US History, thus, any claims to the contrary must be election disinformation.

Does the State Board of Elections (SBE) have the staffing to monitor the postings to the election disinformation portal, issue corrective information, and forward alleged violations to the state prosecutor? It is my understanding that the SBE has enough to do to hold elections without getting this additional mandate added to its duties.

Please vote against HB0333.

Alan Lang, District 31 242 Armstrong Lane Pasadena, MD 21122 410.336.9745 Alanlang1@verizon.net

240326_HB0333-testimony-election disinformation.pdUploaded by: Christine Hunt

3/26/24

TO:

All members of the Senate Education Energy & Environment Committee

FROM: Christine Hunt Jay Crouthers 1014 Dockser Drive Crownsville. MD 21032

RE: HB0333 – Election Law – Election Disinformation and Improper Influence Related to Voting

Dear Senators,

We are in opposition of HB0333.

We find this bill is an opportunity for the same kind of abuse that citizens across the nation were subjected to, during 2020 to the present, regarding information about the 2020 presidential election and the Covid outbreak. The truth, about information that was withheld on social media platforms, is still coming out.

Having the State be in charge of determining what is "misinformation", as submitted by members of the public, is purely subjective and can be extremely biased based on who is in charge of deciding what is misinformation or not. The "corrective information" could be misinformation if the entities in charge of issuing "corrective information" wanted to influence an election outcome. It gives the State power to spread propaganda or potentially prosecute those with whom they simply disagree. Not everyone's truth is the same.

Regarding 16-201, (B): Is not the list of ways that someone could vote fraudulently already against the law? Isn't this already covered by the Local and State Board of Elections?

A better use of our tax payer money would be to clean up the voter roles and remove all those who are deceased and have the correct mailing addresses for all registered voters as a start.

Sincerely,

Christine Hunt Jay Crouthers

HB0333 Opposition.pdfUploaded by: David Morsberger Position: UNF

David Morsberger
Davidsonville, Maryland
Anne Arundel County

OPPOSE – Do not vote in favor of HB0333 in committee.

HB0333 - Election Law - Election Disinformation and Improper Influence Related to Voting

Maryland residents do **NOT** need a Ministry of Truth.

The amendments from the original bill may seem like it made a bad bill better however, I believe the amended bill is worse than the original. The original bill had corporations report information to our government while the amended bill unbelievably has citizens report on the thoughts and beliefs of Maryland citizens to our government.

We do not need citizens turning in fellow citizens for their thoughts and beliefs. We do not need the SBE being the **arbiter of truth** especially when there are things labeled misinformation that eventually turn out to be true after an independent investigation and assessment.

Our great country made it this far without a Ministry of Truth. Maryland ratified the US Constitution on April 28, 1788, 236 years ago. Let's continue the tradition of letting information flow without government filters. Where we trust our citizens to determine what is true as all the available information flows throughout our public spaces.

I respectfully request that you **DO NOT VOTE IN FAVOR** of HB0333 in committee.

Dear Senators.pdfUploaded by: James Elbourn
Position: UNF

Dear Senators:

Please oppose HB0333. This is an assault on free speech and our ability to vet our elections process.

James Elbourn

103 Wiltshire Ln

Severna Park

District 31

Written Testimony Opposing HB 333.pdf Uploaded by: James Randisi

I am writing to advocate a NO vote on the amended HB333 bill that is titled "Election Law - Election Disinformation on Large Social Media Platforms and Improper Influence Related to Voting".

The reason I am advocating for a NO vote is because of the ambiguity of terms in the legislation. In particular, the legislation contains the words "election disinformation" as the action being legislated against.

However, and most importantly, the term "election disinformation" is not defined in the legislation. Without a clear and accurate definition of "election misinformation", interpretation of "election misinformation" can be weaponized against citizens merely expressing their thoughts and opinions.

In addition to abridging the right to free speech, my concern is that this term "election disinformation", can be used by one political party against members of the opposite political party who are expressing their thoughts and opinions.

In what and in whom do you believe? Do you believe in God? If yes, didn't He create us in his image and give us our freedom to think and reason and speak?

God has given us the ability to think and reason and speak and decide what is best for ourselves. This legislation grants certain people the temporary political power to possibly engage in activities for their own political gain. This legislation robs people of information, under the guise of arbitrarily calling that election information "election misinformation" that they should be able to hear and decide whether to follow, on their own.

This legislation steals a person's God given right to hear that which is their right to hear and steals a person's right to free speech enshrined in our Constitution to which you swore an oath to uphold.

Respectfully submitted,

James P. Randisi

James P. Randisi 806 Chestnut Glen Garth

Towson MD 21204

Cell: 410.336.0287

HB0333_ElectionDisinformation_Unfavorable.pdfUploaded by: Katherine Sullivan

Witness: Katherine Strauch Sullivan

Jurisdiction: Baltimore County

Bill: HB0333 Election Law - Election Disinformation on Large

Social Media Platforms and Influence Related to Voting

Sponsors: Delegates Rosenberg

Position: HB 333 has the potential to infringe on the first amendment

rights of citizens who raise questions regarding election

processes or outcomes.

The bill defines "election disinformation" as "INCORRECT OR MISLEADING INFORMATION ABOUT ELECTION PROCEDURES, ELECTION RESULTS, OR VOTING RIGHTS IN THE STATE."

The past three years have seen an alarming trend in government officials pushing to punish citizens for disagreeing with them. The release of the twitter files alone should give everyone on the committee pause in supporting any form of government censorship. The big question and "slippery slope" is *Who decides what qualifies as "disinformation"*? Is it simply anything the government claims is disinformation? Because we all witnessed how that metric did not serve us with respect to the lab leak, the "effectiveness" of vaccines and social distancing, and, possibly most relevant to this particular bill, the "baseless claims" of election misconduct. All three of those claims were relentlessly censored and threat of punishment for daring to speak of these issues was used as a cudgel to silence citizens. Yet, over time, evidence emerged which supported these claims and proved them to be true.

For hundreds of years, America has served as a beacon for the free flow of ideas and uncensored conversation. Citizens have the right to have open and honest conversations in the public square which should include raising questions about election processes and outcomes. If these concerns are unfounded, the State Board of Election should focus their energy on releasing public statements proving these concerns are unfounded. They should treat this moment as an opportunity to recommit themselves to transparency. HB0333 will do nothing to stop election disinformation. Instead, it only serves to attack those people who raise concerns rather than transparently address the concern and put the skepticism to rest.

Vote NO on HB0333. Kate Sullivan Baltimore County

Oppose HB 333.pdf
Uploaded by: Mark Meyerovich
Position: UNF

Oppose HB 333

Dear Chair Feldman and members of the committee,

Despite the amendments HB333 is still a horrible bill. Who defines what is "incorrect or misleading information"? What should the state board rely on when issuing "corrective information", on the so-called "fact-checkers"? What if those are the same you are trying to control with this bill:

https://blog.google/outreach-initiatives/google-news-initiative/how-google-and-youtube-are-investing-in-fact-checking/

Are you trying to enable a tax-funded bureaucracy to circumvent the 1st Amendment? The right to free speech is about the only law that makes the United States different from every other country in the world and sets apart the free people from those living under various tyrannies. The Supreme Court affirmed that the 1st Amendment even allows for anonymous speech, which social media platforms already make almost impossible.

As a frequent user of social media, I can see for myself the flood of hateful information based on lies. I am aware and terrified at the possibility that such speech that targets my ethnicity, religion or heritage would provoke actions against me or my family. I also realize that it may be hard for me to distinguish lies seen online from reality. However, I truly believe that censorship is not the remedy for the lies. We need more speech from truthful and trustworthy sources.

Unfortunately, a state board is not something I can consider a truthful and unbiased source. The government has shown time and again that it will subvert people's rights and advance its own agenda by any legal means. The bills like this are a way to stretch the legal means by using a dominant voting majority. The lies become obvious in time, and so does government propaganda. And the trust has to be earned, not forced through censorship and suppression.

What makes the bill even worse is that it encourages people to snitch on one another, just like in lawless dictatorships throughout history. Please don't tarnish your reputation by voting for this bill.

Sincerely,
Mark Meyerovich
District 15

HB0333 Written & Oral Testimony.pdf Uploaded by: Mary Nelson Position: UNF

Mary Nelson 1465 Blue Ball Rd Elkton, MD 21921

March 25, 2024

Brian Feldman, Chairman And Members of the Education, Energy, and the Environment Co Maryland Senate Annapolis, Maryland

Re: SAY NO to HB0333 Election Disinformation and Improper Influence Related to Voting

HB 333 has the potential to infringe on the first amendment rights of citizens to raise questions regarding election processes, or outcomes.

The bill defines "election disinformation" as "INCORRECT OR MISLEADING INFORMATION ABOUT ELECTION PROCEDURES, ELECTION RESULTS, OR VOTING RIGHTS IN THE STATE."

That definition could squash a citizen's right to raise questions about election processes and outcomes and could subject voters to threats and intimidation if they voice their concerns. What one person considers misleading may not be misleading to another. There can be legitimate differences of opinion. Shutting off people's right to voice their opinion is a serious threat to our 1st amendment rights to freedom of speech.

What makes a social media company an expert in election law, processes or outcomes? Where does their political bias get checked at the door when making decisions on whether a post is disinformation? or Misinformation?

A person who objects to non-citizens voting could be labeled as opposing voting rights. A person who questions the vote count or whether a provisional ballot is counted could be said to be spreading disinformation about an election result.

As has been recently acknowledged by the short-lived Department of Homeland Security Disinformation Board of the US Government, FREE speech cannot be defined and put into buckets to be judged.

Please cast an UNFAVORABLE VOTE FOR HB0333.

Respectfully Submitted,

Mary Nelson

MaryPelsen

20240326 Comments on HB0333.pdf Uploaded by: Michael Fletcher

HB0333

Comments by Michael Fletcher, Derwood, MD on March 26, 2024:

Previously, I commented on HB0333 in its original form when it was an unconstitutional assault on free speech. Since then, the bill has been modified, but it still contains the seeds of conflict with the First Amendment to the US Constitution. Furthermore, its provisions are contrary to good governance.

The problem with HB0333 is that it still tries to regulate "disinformation"; and, in doing so, places the burden of defining "disinformation" on the State Board of Elections. The State Board is wholly unqualified to perform this task. First, it is, in its constitution, a biased body. Depending on which party is in power in Annapolis, the Board may lean Democratic or Republican. Therefore, if the Board has a majority membership made up of one political party, it will tend to define any criticism of election activities by the other party as "disinformation." Second, the Board, in the normal course of conducting elections, will make many decisions that affect the results of elections some of which could be criticized by the citizens of Maryland. As written, HB0333 could stifle the criticisms of Maryland citizens if the Board had the power to refer the originators of the criticism for prosecution. This situation would be detrimental to government by the people.

On the whole, I remain opposed to the revised HB0333 becoming law for the following reasons.

- 1. Citizens have a right to free speech in the USA. That includes Maryland. There should be no individual or organization capable of hindering the free-flow of ideas in our nation period.
- 2. What is considered "disinformation" is subject to the beholder, and in the antagonistic political milieu of today, there would be an overriding tendency for one political group to label the statements of another political group "disinformation" especially if that labeling could get the originator of the statements prosecuted. This would be detrimental, to say the least, to the ability of citizens to consider all sides of a political question.

For these reasons, HB0333 should be scuttled and not salvaged.

HB0333Oppose.pdfUploaded by: Peggy Williams Position: UNF

HB0333 Oppose

Election Law - Election Disinformation and Improper Influence Related to Voting

Dear Committee Members:

Please oppose HB0333. The State Bd of Elections needs to be held accountable. The answer is not to give them the power to decide what is election misinformation. What really happened was, thanks to a group of dedicated patriots knocking on doors and doing some election canvassing, it was discovered that Boards of Elections have not properly maintained voter rolls and they got caught not doing their job. The State Board of Elections needs to keep its own house in order instead of coming after citizens who merely want fair, clean, free, and honest elections. That is the real issue. Oppose HB0333.

Peggy Williams Severna Park D31

HB 0333 - EEE - Election Disinformation - UNF.pdf Uploaded by: SHARON CARRICK



Ella Ennis, Legislative Chairman Maryland Federation of Republican Women PO Box 6040, Annapolis MD 21401

Email: eee437@comcast.net

The Honorable Brian J. Feldman, Chairman And Members of the Education, Energy and the Environment Committee Senate of Maryland Annapolis, Maryland

RE: HB0333- Election Disinformation - UNFAVORABLE

Dear Chairman Feldman and Members,

HB0333 is of concern because it opens the door to a stifling of free speech.

"Disinformation" is wide open to interpretation, especially in the highly charged partisan environments that have surrounded recent elections.

This legislation calls for the State Board of Elections to establish a website portal to receive complaints of election disinformation, to evaluate and respond to any perceived disinformation, and to determine what complaints are referred to the State Prosecutor.

The original version of the bill limited reporting and possible referral for prosecution to "... large social media platforms". That phrase was removed via amendment. The bill now appears to broaden the reach to every individual and all organizations. This could easily result in nuisance reports for individuals simply voicing a personal opinion with no nefarious intent. Reports to the State Board of Elections could cause personal embarrassment and quite possibly have negative work impacts. The potential for criminal charges or other punitive action by the State Prosecutor could subject an individual or organization to legal expenses, even when cleared of false accusations.

Please give HB 0333 an UNFAVORABLE report.

Sincerely,

Ella Ennis Legislative Chairman

HB0333 SAY NO (2).pdf Uploaded by: Suzanne Price Position: UNF

PLEASE VOTE NO on HB0333 This Bad bill will stifle free speech. It is prudent to say NO to this potential 1st Amendment disaster waiting to happen.

This is with certainty an egregious bill to silence dissenting opinions and the people of Maryland's First Amendment Rights. What is the MDBOE afraid of? They have never faced any type of threat or problem from the public to date, that is a fact no matter what they say.

It certainly seems like they fear incoming truths that could change the course of history, which many of us believe as well. It is clear they are willing to do whatever it takes to protect themselves and to silence information that is potentially incoming. They must know they will never be allowed by the forces of nature to silence the truth. Each of us should be free to voice our opinions, research and support election accuracy and integrity. The Maryland State Board of Elections is being sued for good reason, I hope each of you have been able to read the detailed report? (would be thrilled to forward it to anyone still unaware or able to have read it, it took 3 years to compile on a statewide effort by countless volunteers)

It is also clear that, on behalf of the new wanna be stasi MDBOE some have no interest in protecting the sacred rights of Marylanders and their ability to vote safely and securely. Ballots have become more important than one's individual vote.

They have stuck SB0417/HB0459, SB0494/HB0471, SB0495/HB1343 and SB0557 which all should be nonpartisan bills to help all voters feel safe and secure, no one seemd to care about what the people what or think.

When I called Delegate Feldmark's office I was told more democrats were concerned with HB0333, she said they were being flooded all day, for days, with calls, two weeks ago.

I don't trust that the MDBOE is capable of determining what is Fake News or disinformation/misinformation. In addition how much will this team of police cost the Maryland taxpayers? Have they proposed how any of this would even be executed? Though the original HB0333 has been diluted or white washed, in its present state it is still a precedent for a continued violation of our 1st Amendment rights.

Please say no to HB0333 and please focus on the other bills that are important to your constituents and the people of Maryland listed above.

Thank you for your time,

Suzanne Price Anne Arundel Co.

Tibbals_ OPPOSE HB 333_ Election Law - Election D

Uploaded by: Trudy Tibbals

HB 333: Election Law - Election Disinformation and Improper Influence Related to Voting: Please oppose this bill!!

Dear EEE Committee Chair Feldman, Vice Chair Kagan, and all other esteemed Committee Members:

I am writing to urge you all to vote NO on this bill!!

I understand the intent behind this bill. I understand that with social media, etc., we must try to keep misinformation, or "disinformation", from being communicated about elections and rendering "improper influence".

However, I think this bill is NOT ready, as it is currently written. There are too many inadequacies of specifics in the wording of this bill.

For instance, I think that the definition of "Election Disinformation" is way too broad. It is not specific enough. The definition of "INCORRECT OR MISLEADING INFORMATION REGARDING THE TIME, PLACE, OR MANNER OF AN ELECTION, ELECTION RESULTS, OR VOTING RIGHTS IN THE STATE..." is too expansive and too vast to be truly useful. What does "incorrect or misleading information" really mean, exactly? Also, who decides if the information reported to the "portal" is "incorrect" or "misleading"? Is it the Members of the State Board of Elections itself? A special subcommittee or group that the State Board of Elections appoints? Who decides that?

Also, what does "PERIODIC REVIEW" mean? What is "periodic"? Does "periodic" mean every 6 months, every 3 months, monthly, what? "Periodic" is not specifically defined!!

What does "TO THE EXTENT NECESSARY, ISSUE CORRECTIVE INFORMATION OR REFER SUBMISSIONS TO THE STATE PROSECUTOR..." mean? What is the "necessary" extent? Again, who decides that? How does it meet whatever standard is "necessary" to be submitted to the State Prosecutor? We also have to take our First Amendment right to free speech into consideration!! How is whatever entity, be it the Maryland State Board of Elections or some appointed committee or group, going to decide what is "incorrect" or misleading" without violating a person's First Amendment to freedom of speech? With this wording in the bill, a person that makes any comment on any part of any election can be construed to give "misleading" information. What if the person's intent was NOT to be misleading?

As you can see, there are too many inconsistencies and lack of specifics in this bill to make it truly worth passing at this time. It is NOT worded sufficiently to accomplish what it was set forth to do, without violating the First Amendment Rights of freedom of speech.

That is why I am imploring you all to vote NO on this bill. Thank you.

Trudy Tibbals

A Very concerned Mother, Maryland Resident, and Maryland Voter

WRITTEN TESTIMONY OPPOSING HB 0333.pdfUploaded by: VINCENT GISRIEL, JR

WRITTEN TESTIMONY IN OPPOSITION TO HB 0333 ENTITLED "ELECTION DISINFORMATION AND IMPROPER INFLUENCE RELATED TO VOTING"

Dear Senators,

I encourage you to vote AGAINST HB 0333 entitled "Election Disinformation and Improper Influence Related To Voting" in its present form. If adopted as amended, it will violate Marylander's freedom of speech and put our great State on a slippery slope to the infringement of our Constitutional Rights. For, who will decide what disinformation is?

Thank you for your consideration.

Vincent dePaul Gisriel, Jr.

14008 Sailing Rd

Ocean City, MD 21842

410-251-1360