

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE

House Bill 55 (Delegate J. Lewis)
Economic Matters

Business Occupations – Obligations of Real Estate Brokers – Voter Registration

This bill requires a licensed real estate broker, associate broker, or salesperson, when acting as a buyer’s agent on the date of closing, to provide the client with a voter registration application and information on registering to vote in the local jurisdiction. A licensee who fails to do so is exempt from existing criminal penalties, unless the licensee is also guilty of other specified violations of the Maryland Real Estate Brokers Act.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Generally, an individual must be licensed by the State Real Estate Commission as a real estate broker, associate broker, or salesperson before the individual may provide real estate brokerage services in the State. In addition to other duties, a licensee of the commission must (1) act in accordance with the terms of the brokerage agreement; (2) disclose to the client all material facts required by law; (3) treat all parties to the transaction honestly and fairly and answer all questions truthfully; and (4) comply with all applicable federal, State, and local laws and regulations. There is no requirement to provide voter registration materials or information.

A “buyer’s agent” is a licensed real estate broker, associate broker, or salesperson who, in accordance with a written brokerage agreement, represents a prospective buyer or lessee in the acquisition of real estate for sale or lease.

A violation of specified provisions of the Maryland Real Estate Brokers Act, such as providing real estate brokerage services without a license, is a misdemeanor and subject to a maximum penalty of a \$5,000 fine and/or one year imprisonment.

Background: There are multiple ways in which an individual can register to vote and be added to the State’s voter registration database. Registration during a transaction at the Motor Vehicle Administration (MVA) is the most common way that individuals in Maryland were registered to vote in 2016 (53% of registrations), followed by registration through the State Board of Election’s (SBE) online voter registration system (22% of registrations). Paper applications may be submitted, in person or by mail, to SBE, a local board of elections, or through a voter registration volunteer or distributor. Voter registration is also made available at a number of other State agencies or entities, in some cases through electronic systems similar to MVA’s system, and in other cases through availability of paper applications and assistance.

The State Real Estate Commission has approximately 44,000 licensees.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - January 10, 2018
nb/mcr

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