Opinionated and personable, most legislators are excellent speakers. They have become experts in certain policy issues, perfected their powers of persuasion and articulate their positions well. With these skills, lawmakers often are in demand to share their expertise on legislative issues at community meetings, on panels and in articles. Should they be allowed to accept money or gifts—known as honorariums—for their efforts? States are about evenly divided on their answers and approaches.

The U.S. Office of Government Ethics defines “honorarium” as payment or anything of value for a “…series of appearances, speeches or articles if the subject matter is directly related to the individual’s official duties or the payment is made because of the individual’s status with the government.” New Mexico defines an honorarium as payment of money or any other thing of value worth more than $100. Some states include honorariums in their laws regulating whether and how legislators can accept gifts. Minnesota and Virginia, for example, include honorariums in their definitions of gifts. South Carolina includes honorariums in the category of “anything of value” in its gift law.

Twenty-eight states prohibit honorariums if they are offered in connection with a legislator’s official duties. These statutes imply that legislators can accept payments or gifts for services related to their private profession, if that profession is not related to public duties. In many cases, a travel reimbursement or honorariums received for private professional services must be disclosed.

Several states restrict honorariums even further. At least two—Alaska and Nevada—have capped compensation for private professional engagements to the going rate for that particular service in that profession. Oregon also forbids legislators’ family members from receiving honorariums for services connected to the lawmakers’ official duties. Ohio and Pennsylvania prohibit honorariums, but allow legislators to receive items of “de minimus,” or small economic value, such as plaques or trophies. Most states that prohibit honorariums allow reimbursement for travel, lodging and necessary expenses.

Twenty-two states either allow honorariums or do not specifically address them in statutes. Alabama and Arizona allow honorariums, as long as the purpose is not to influence legislation or an official action. A few states, including Georgia and New Mexico, allow honorariums only up to a certain amount. At least 10 states that allow these gifts or payments require policymakers to disclose them.
Pros and Cons. Proponents of allowing honorariums say they are legitimate ways to recognize a legislator’s knowledge, time and effort, and that lawmakers should be compensated for these efforts.

Opponents say giving speeches, writing articles and participating in public policy discussions are part of the legislator’s job description. To receive additional money for these services raises the possibility of conflicts of interest in voting on public policy.

Ethicists and political scientists generally agree that public officials should avoid any action that erodes confidence in government. “Appearing to do wrong while doing right is really doing wrong,” maintains Dennis Thompson, professor of public policy at the John F. Kennedy School of Government at Harvard University. Honorariums, like any gifts to legislators, can be negatively perceived, even in states where they are legal. The mere appearance of impropriety and of courting favors can undermine democratic accountability, Thompson says.

This is why the guide, Ethical Standards in the Public Sector, suggests public officials ask themselves certain questions before accepting an honorarium or any gift:

• Am I being offered this because of my official government position?
• Is anything expected in return either explicitly or implicitly? Will I feel obligated in any way if I accept?
• How will acceptance appear to the public?

In developing statutes on honorariums, states have asked the following questions:

• Should a legislator be paid for sharing expertise gained through public office?
• Should the legislator accept payment for speeches and appearances not related to his or her official capacity? Does that make a difference?
• Are honorariums more acceptable if the legislator earns a low salary for public service?
• If the legislator is not given an honorarium, is reimbursement for travel expenses acceptable?

Legislators may grapple with accepting payment for speeches, articles and appearances, even if their state allows them to accept such compensation. One lawmaker takes the money and donates it to charity. Another puts it into a local scholarship fund. Still another allows it to augment her low or nonexistent legislative salary. Their decisions on accepting honorariums may depend upon several factors, including the ethical culture of their home state, individual circumstances and the desire to avoid the appearance of a conflict of interest.

**NCSL Contacts and Resource**

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**NCSL Center for Ethics in Government,**  
50-state list of honorarium laws

**Additional Resources**

