

901-5-03

Requirements for membership certificates.

(A) Each society shall:

- (1) Issue each membership certificate in the name of the individual who paid the required annual membership fee and presents proof of identification as described in paragraph (A)(1) of section 3505.18 of the Revised Code.
- (2) Permit only those persons who paid the required annual membership fee, ~~and~~ whose signatures appear upon their membership certificates, and present proof of identification as described paragraph (A)(1) of section 3505.18 of the Revised Code to:
 - (a) Vote at the annual election of directors of the society; and
 - (b) Hold any office of the society.
- (3) Issue no membership certificate to any entity other than a natural person.
- (4) Vote to approve the dates, times, and locations where memberships may be purchased.
- (5) Post in the annual premium book and/or on the fair's website the dates, times, and locations where memberships may be purchased as approved by the board.
- (6) Verify the purchaser has met the membership requirements upon transfer of the membership certificate.

(B) Membership certificates issued by each agricultural society shall bear:

- (1) The dates (day and year) the membership begins and terminates;
- (2) The name of the society; ~~and~~
- (3) A space for the signature of the purchaser of said membership; and.
- (4) Consecutive numbering as required by section 1711.01 of the Revised Code.

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901-5-04

Declaration of candidacy for society directors.

- (A) Each candidate for the office of director of a society shall declare his candidacy by filing with the secretary of the society, a petition signed by ten or more members of the agricultural society, at least seven days before the annual election of directors is held. The petition submitted shall state the specific ~~board position~~seat for which the candidate is seeking to be elected. Any member who fails to file a petition that includes the specific ~~board position~~seat is ineligible for election as a director.
- (B) The secretary of each society shall:
- (1) Announce the filing requirements for the office of director and information as to how these may be fulfilled:
 - (a) Conspicuously in the annual premium list; and
 - (b) In at least one newspaper of general circulation in the county or district concerned, ~~and/or~~ on the society's website, no earlier than six weeks and no later than ~~two~~three weeks before the annual election of directors.
 - (2) Furnish blank petitions to any member of the society who requests such petitions at any reasonable time.
 - (3) Maintain and post a current list of the society's members in a public place, the society's website, or make a current list available for inspection, at any reasonable time, upon request of any resident of the county or district concerned.
 - (4) Determine the adequacy of the nominating petition filed by a candidate before ordering the name of said candidate to be printed on the ballot, including a determination that at least ten signatories are members of the society.

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901-5-05

Terms of office for society directors and officers and conduct of election.

- (A) Each society shall annually, and not later than the fifteenth day of November, elect as near as mathematically possible, one third of its directors. The directors shall serve a three year term, not to expire later than the thirtieth day of November.
- (B) Any society may:
- (1) Specify in its constitution the number of consecutive terms any person may serve as a member of the board of directors; and
 - (2) Provide in its constitution or by-laws for honorary directors with no voting power.
- (C) The president of each society shall appoint three judges and two clerks. The election judges and clerks shall remain impartial and avoid any conflicts of interest while conducting and declaring the results of the election of directors. The election judges and clerks may be county board of election officials, or members of the society. The election judges and clerks shall not be candidates for election. Candidates may witness the count either personally or by proxy.
- (D) Each society shall:
- (1) Keep polls open not less than four hours between six a.m. and nine p.m. on the day of the elections; and
 - (2) State the times polls open and close in each notice of the election which is published or mailed in compliance with section 1711.07 of the Revised Code.
- (E) The secretary of each society shall supply the membership roll of the society to the election judges.
- (F) The election judges shall:
- (1) Verify the right of each member to vote before they issue ballots, including verifying the voter's identity; and
 - (2) Permit no member of a society to vote by proxy or by absentee ballot.
- (G) The election clerks shall:
- (1) Register the name of each person who votes;
 - (2) Tally the count on poll books and tally sheets supplied by the department;

- (3) Place one copy of said poll book and tally sheet on file with the secretary of the society; and
 - (4) Mail or submit electronically one copy to the department within ten days after said election.
- (H) A majority of the board of directors or any group of twenty-five citizens of legal voting age in a county or district may petition the department to supervise the annual election of directors of the society in said county or district.
- Each group shall:
- (1) State the reasons for such request in their petition;
 - (2) Include the address of each person who signed the petition; and
 - (3) File their petition with the director of agriculture at least fourteen days before the election.
- (I) Upon receipt of a petition, or upon receipt of other information which indicates that such action may be desirable, the director of agriculture may:
- (1) Make such investigation as ~~he~~the director of agriculture deems necessary and proper; and
 - (2) Assign one or more representatives of the department to supervise the election of a society.
- (J) If an election results in a tie vote, the election shall be resolved as follows:
- (1) In the case of a tie vote on a referendum for a constitutional amendment, provision, by-law or other issue, the referendum shall be deemed defeated.
 - (2) In the case of a tie vote in an election for a director, the winner shall be determined by a flip of a coin.

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901-5-06

Reorganization meeting.

(A) On or about the thirtieth day of November following ~~its~~the society's annual election of directors, each societies' board of directors shall hold a reorganization meeting at which the oath of office shall be administered to all newly elected directors and the officers of the society shall be elected.

(B) Each society shall secure a notary public, judge, or mayor to administer the following oath (or affirmation) of office and to induct newly elected directors into office:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Ohio, laws of Ohio and regulations of the department of agriculture of Ohio pertaining to agricultural societies, and to the best of my ability perform the duties of the director of the _____ Agricultural Society, so help me God."

(C) If any member of a board of directors of a society misses three consecutive regular meetings, the board may:

(1) Declare the position vacant; and

(2) Name a successor to serve until the next annual election of director, at which time a director shall be elected to serve the unexpired term of said position.

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901-5-07

Reporting society finances and hearing procedures for withholding funds by the department.

- (A) Each agricultural society shall file a financial report, in accordance with section 117.38 of the Revised Code, and forward the report to the department include in the report to the director of agriculture, as required by section ~~901.06~~1711.06 of the Revised Code, on forms provided by the director of agriculture, and following accounting rules entitled "Financial Reporting and Accounting; County Agricultural Societies and Independent Agricultural Societies" promulgated by the auditor of state pursuant to section 117.20 of the Revised Code and adopted by the director of agriculture:
- (1) A summary of the receipts and expenditures of the society during the period covered by the report;
 - (2) ~~A newspaper clipping, properly certified under oath, of the published abstract of its accounts required by~~Demonstration of compliance with the publishing requirements found in section 1711.05 of the Revised Code;
 - (3) A report of junior fair exhibits, ~~premiums paid, and other expenses of the junior fair division;~~
 - (4) A report of the horse racing program, if any, at the fair; and
 - (5) A report of the colt stake races, if any, at the fair; and
 - ~~(6) A voided membership ticket for the year of the report; and~~
 - ~~(7) A voided season ticket for the fair if the society uses such tickets.~~
- (B) Each agricultural society shall submit a copy of the annual premium list for the fair held by the society during the period covered by the report required by section ~~901.06~~1711.06 of the Revised Code, with or prior to submission of the report.
- (C) A majority of the board of directors of each agricultural society shall approve, and the secretary or secretary-treasurer of each agricultural society shall sign and swear to the accuracy of the report of ~~the~~the society, before ~~it~~the report is submitted to the director of agriculture.
- (D) Each agricultural society shall make ~~its~~the society's books, accounts, reports, etc., available for inspection by the director of agriculture or ~~his~~ authorized designee.
- (E) If the director of agriculture determines that an agricultural society has violated any law or rule administered by the department, ~~he~~the director of agriculture may refuse to issue a certificate to the board of county commissioners or the county auditor, or

an order to the auditor of state, authorizing the payment of county or state funds to the agricultural society.

- (1) If the director of agriculture finds that ~~he should withhold his~~ the certificate or order for county or state funds should be withheld, ~~he~~ the director may, prior to a hearing conducted in accordance with Chapter 119. of the Revised Code, order that the violating agricultural society rectify ~~its~~ the society's violation in a manner and time specified in the order. If the society rectifies ~~its~~ the society's violation to the satisfaction of the director of agriculture within the time set, ~~he~~ the director of agriculture may then issue a certificate or order for the payment of county or state funds.
- (2) If the director of agriculture believes ~~he should refuse to issue his~~ the certificate or order for one or more years should not be issued, ~~he~~ the director of agriculture shall hold a hearing for such agricultural society in accordance with Chapter 119. of the Revised Code. ~~His~~ The director of agriculture's letter notifying the agricultural society of such a hearing shall state in which ~~year(s)~~ year the ~~violation(s)~~ violation occurred and for which or how many years refusal to issue is contemplated.
- (3) Following a hearing conducted in accordance with Chapter 119. of the Revised Code, the director of agriculture may:
 - (a) Order the agricultural society to rectify ~~its~~ the society's violation in a manner and time specified in the order. If the society rectifies ~~its~~ the society's violation to the satisfaction of the director of agriculture, ~~he~~ the director of agriculture may then issue a certificate or order for the payment of county or state funds; or
 - (b) Refuse to issue certificates or orders for payment of county or state funds for as many years as ~~he~~ the director of agriculture deems appropriate. ~~He~~ The director of agriculture shall specify in ~~his~~ the director of agriculture's order the ~~year(s)~~ year for which ~~he~~ the director of agriculture will refuse to issue such certificates or orders. If more than one year is specified, the director of agriculture may at any time modify ~~his~~ the director of agriculture's order so that ~~it~~ the order does not include later years.
- (F) Any citizen may file a sworn complaint with the director of agriculture concerning any agricultural society which operates in the county or district in which ~~he~~ the citizen resides. Such complaint shall state:
 - (1) Facts which constitute a violation on the part of the agricultural society of a law or rule administered by the department; and

- (2) The law or rule which the society allegedly violated.
- (G) If the director of agriculture receives a citizen's complaint, and if ~~it~~the complaint appears to be well-founded, ~~he~~the director of agriculture may conduct an investigation to establish the validity of the complaint. The director of agriculture may hold an informal hearing, and specify the rules under which each such informal hearing is conducted, to allow the complainant to present evidence that the violation ~~he~~the complainant alleges did occur. If the facts found in the complaint do not constitute a violation on the part of the agricultural society of a law or rule administered by the department, the director of agriculture may forward the complaint to an authority with jurisdiction over the matter.

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901-5-08

Society constitution.

- (A) No society may amend ~~its~~the society's constitution or by-laws unless a majority of the membership which votes at the annual election of the board of directors or at the annual meeting of the membership of the society, whichever is specified in the constitution of the society, approves the proposed amendment.
- (B) Amendments to the constitution or by-laws may be proposed by:
- (1) A majority of the board of directors at a scheduled meeting voting in favor of placing an amendment on the ballot; or
 - (2) A petition filed with the secretary of the society at least fourteen days prior to the annual election of the board of directors or to the annual meeting of the membership of the society, whichever is specified in the constitution of the society. Any such petition shall:
 - (a) Set forth the proposed amendment; and
 - (b) Bear the signatures and addresses of not less than twenty-five members of the society.
- (C) The directors of a society shall:
- (1) Submit any properly proposed amendment to the membership of the society:
 - (a) At either the annual election or the annual meeting of the membership of the society, whichever is specified in the constitution of the society; and
 - (b) In such a manner that the members may vote on each amendment separately;
 - (2) Publish notice of each such amendment and instructions on how to obtain a copy of the proposed amendment in at least one newspaper of general circulation in the county or district concerned, ~~and/or~~ on the society's website, and/or via mail or electronic mail not less than three and not more than ten days before the election or annual meeting at which ~~it~~the amendment will be voted upon.
- (D) Each society shall file with the department a copy of ~~its~~the society's constitution and by-laws. Said copies shall be certified to be true and correct by the president and secretary of the society.
- (E) Each society shall file a certified copy of each change in ~~its~~the society's constitution and by-laws with the department within sixty days following the date on which the amendment is effective.

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901-5-09

Payments to directors and officers of the society.

- (A) If the constitution of the society permits such payments, any society may pay each director of the society, other than ~~an ex-officio~~ a non-voting director, an amount not exceeding ~~thirty~~forty dollars plus reimbursement on a per mile basis from the director's residence to the meeting place of the board of directors and return for attending up to twelve meetings of said board, each calendar year. The reimbursement per mile shall not exceed the amount set forth in rule 126-1-02 of the Administrative Code.
- (B) The board of directors of a society may pay the actual expenses of any director, and any duly authorized representative of the board, who attends the annual state convention of agricultural societies, the annual meeting required by section ~~901-06~~1711.06 of the Revised Code, and any other event which is designated by the board, if the board:
- (1) Determines that attendance by the director or authorized representative at the meeting or other event is directly beneficial to the society; and
 - (2) Records such determination and authority for such payment in the minutes of any regular or special meeting of the board.
- (C) Any agricultural society may:
- (1) During the week of its fair, purchase meals for directors and officers of the society, and for other individuals designated by the board of directors at a regular meeting of the board; and
 - (2) Compensate such directors, and officers, for meals purchased by the directors and officers.
- (D) The treasurer, secretary, and fair manager may be members of the board of directors of a society. The board of directors may compensate such board members for their services, in addition to the compensation permitted by paragraphs (A), (B) and (C) of this rule, if the society's constitution permits such compensation.
- (E) No society shall employ and compensate any member of the board of directors, other than the treasurer, secretary, or fair manager, of the society for services other than those specified in paragraphs (A), (B) and (C) of this rule, unless:
- (1) The constitution of the society provides for such employment and compensation; and
 - (2) The minutes of a regular or special meeting of the board of directors record authorization for such employment.

- (F) No society shall pay any funds or deliver any property of the society to, or for the individual benefit of, any member of the board of directors, or any other person as a share, gift, or dividend. The terms "share," "gift," and "dividend" as used in this rule do not mean awards which are advertised in the annual premium list of a fair held by a society.

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901-5-10

Authorized representative to the annual meeting with the director.

Each society is required to send an authorized representative to the annual meeting with the director of agriculture, as required by section ~~901-06~~1711.06 of the Revised Code, to receive official recognition for the society.

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901-5-11

Approval of fair dates by the director.

- (A) Each society shall submit to the director of agriculture, on or before the tenth day of November of each year, a request for approval of the dates on which the society desires to hold ~~its~~the society's next annual fair. The director of agriculture shall base ~~his~~ approval or disapproval of each such request upon:
- (1) Records of dates on which the society has held previous annual fairs;
 - (2) Competition with any fair in any adjoining county for exhibitors or patrons which might arise because of changes from such dates of previous fairs; and
 - (3) Any other pertinent information which is supplied by societies or is otherwise available to the director of agriculture.
- (B) Fair dates considered for approval under paragraph (A) of this rule shall be the opening date of either scheduled activities or the operation of midway, whichever occurs first, to the closing date of either scheduled activities or operation of the midway, whichever occurs last.
- (C) A society may submit to the director of agriculture dates in which the society desires to hold ~~its~~the society's annual fair up to four years in advance. However, the director of agriculture shall only approve fair dates on an annual basis, approving each society's request for approval of the dates on which the society desires to hold ~~its~~the society's next annual fair. Should a society wish to submit future requests for the ~~director's~~director of agriculture's future consideration, each request must be submitted individually.
- (D) No preview dates shall be approved by the director of agriculture.

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901-5-13

Health requirements for animals exhibited on fair grounds.

(A) Each society shall:

- (1) Have at ~~the~~the society's annual fair, and at any other livestock exhibition which is sponsored by or is under the control of the society, an official veterinarian who has been approved by the director of agriculture for such service;
- (2) Submit to the director of agriculture for ~~his~~ consideration, the name and address of the veterinarian whom the society proposes to appoint, not less than twenty days before the opening of the fair;
- (3) Certify the appointment of an approved veterinarian to the director of agriculture not less than ten days before the opening day of the fair; and
- (4) Through the official veterinarian enforce the laws of Ohio and the regulations of the department of agriculture which pertain to livestock exhibited at county and independent fairs.

(B) Each official veterinarian shall:

- (1) Enforce the laws of Ohio and the regulations of the department according to the recommendations of the division of animal health of the department;
- (2) Inspect the livestock, and any required health certificates for evidence of any contagious or infectious disease;
- (3) Carry out any recommendation of the division of animal health to protect the health of the livestock exhibited at the fair;
- (4) Report to the division of animal health any refusal or failure on the part of any exhibitor or of the society to observe or comply with any law or regulation governing the movement or exhibition of livestock;
- (5) At the close of the fair, make any official report required by the department.

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901-5-16

Junior fair premiums.

(A) "Junior fair premiums" as used in the forms for the annual reports of agricultural societies means:

- (1) Money paid by a society as awards to individual members or groups of members, of junior organizations for which the society provides awards in ~~its~~the society's annual premium list;
- (2) Money expended by a society for ribbons, banners, medals, achievement pins, trophies, or merchandise awarded to such members; and
- (3) Money expended by a society for trips awarded to junior organization members, or to leaders of such junior organizations.

(B) To qualify for receipt of any subsidy provided by the General Assembly of Ohio for junior fair premiums a society shall:

- (1) Have awarded premiums as defined in paragraph (A) of this rule;
- (2) Prior to December first of the year in which such fair was held:
 - (a) Submit to the director of agriculture a statement of the classes for which premiums were awarded to members of junior organizations, the amount of premiums actually paid in each class, and the amounts paid for other expenses made necessary by junior organization activities sponsored by the society; and
 - (b) Certify to the director of agriculture the total amount paid by the society for premiums for members of junior organizations.

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