

July 28, 2025

The Honorable Kevin S. Talebi
Champaign County Prosecuting Attorney
200 North Main Street
Urbana, Ohio 43078

SYLLABUS:

2025-012

A county agricultural society organized under R.C.
Chapter 1711 is a political subdivision for purposes of
R.C. 9.68.



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OPINION NO. 2025-012

The Honorable Kevin S. Talebi
Champaign County Prosecuting Attorney
200 North Main Street
Urbana, Ohio 43078

Dear Prosecutor Talebi:

You have requested an opinion regarding the legal status of the Champaign County Agricultural Society. You pose the following question:

Is the Champaign County Agricultural Society considered a political subdivision with regard to R.C. 9.68 so that it cannot prohibit open carry and concealed carry of firearms on its premises (outside of its buildings) during the annual Champaign County Fair, and at other times throughout the year?

For the reasons that follow, I find that a county agricultural society organized under R.C. Chapter 1711 is a political subdivision for purposes of R.C. 9.68.

I

You have advised a member of my staff that the Champaign County Agricultural Society is controlled by twenty-six board members elected by the society's membership. The agricultural society owns the land and buildings that constitute the Champaign County Fair Grounds in Urbana, Ohio. It controls and manages the fairgrounds, and it contracts with the county sheriff to provide law enforcement services on the grounds.

You further related that the Champaign County Agricultural Society has implemented specific rules limiting the open and concealed carry of firearms on its premises. The issue your question seeks to resolve is whether a county agricultural society is a "political subdivision" for purposes of R.C. 9.68 and thus subject to that statute's requirements. You are requesting a formal opinion on this matter in order to properly advise the county sheriff of his responsibilities regarding enforcement of the agricultural society's rules.

A

The provisions of R.C. 9.68 relevant to this question may be summarized as follows: it (1) affirms the "individual right to keep and bear arms"; (2) expresses the General Assembly's intent "to provide uniform laws throughout the state" regulating firearms and knives;

(3) preempts all local firearm restrictions “except as specifically provided by the United States Constitution, Ohio Constitution, state law, or federal law”; and (4) provides a civil cause of action against a political subdivision for improperly restricting a person’s firearm rights.

B

To determine if a county agricultural society is a “political subdivision” within the meaning of R.C. 9.68, it is necessary to review the relevant attributes and characteristics of a county agricultural society.

A county agricultural society is a creature of statute. It derives its existence, as well as its powers, responsibilities, and limitations from the statutory provisions of R.C. Chapter 1711. R.C. 1711.13 provides that:

County agricultural societies are hereby declared *bodies corporate and politic*, and as such they are capable of suing and being sued and of holding in fee simple any real estate purchased by them as sites for their fairs. (Emphasis added.)

R.C. Chapter 1711 includes provisions that authorize a county agricultural society to hold a county fair, offer and award premiums in competitions regarding farming and livestock, support a junior club, and mortgage

their grounds. *See generally* R.C. 1711.01-.13. A county agricultural society must file its constitution and by-laws with the Ohio Department of Agriculture. Adm.Code 901-5-08(D). It may also receive and use public money. 1985 Ohio Atty.Gen.Ops. No. 85-061; 1988 Ohio Atty.Gen.Ops. No. 88-026.

A county agricultural society has at times been characterized as a private organization performing some governmental functions; it is a corporation voluntarily formed and governed by a board of directors who are statutorily designated as not being “public officers.” *See* R.C. 1711.01-.81. *See, e.g.,* 1987 Ohio Atty.Gen.Ops. No. 87-057, at 2-350, 351 (listing such instances) and 2013 Ohio Atty.Gen.Ops. No. 2013-023. More recent authority, however, gives greater focus to the governmental aspects of a county agricultural society, described below, such as the determination that it must comply with the open meeting requirements of a public body, must follow the prevailing wage laws of a public authority, and is a political subdivision under the state’s political subdivision tort liability law even though not expressly listed in that statute.

Previous attorney general opinions examining the question of a county agricultural society’s legal status have outlined at least three important circumstances under which a county agricultural society will be categorized as a public authority, public body, or political subdivision. First, 1984 Ohio Atty.Gen.Ops. No. 84-

035 determined that a county agricultural society was a public authority subject to prevailing wage laws to the extent it spends public funds for public improvements. Second, 1988 Ohio Atty.Gen.Ops. No. 88-034 concluded that a county agricultural society is a political subdivision and may, under Ohio's tort liability statute, establish a self-insurance program and join with other political subdivisions to establish a joint self-insurance pool. Third, 1992 Ohio Atty.Gen.Ops. No. 92-078, at 2-326, ascertained that because a county agricultural society is a political subdivision, its board of directors is a public body subject to the open meeting requirements of R.C. 121.22.

County agricultural societies have been determined to be political subdivisions in at least two court decisions. The 11th District Court of Appeals, without detailed analysis, held the Portage County Agricultural Society to be a political subdivision for purposes of bidding on public contracts under R.C. 153.54. *Griffith v. Portage Cty. Agricultural Soc.*, 1992 Ohio App. LEXIS 2774 (11th Dist. May 29, 1992).

The Ohio Supreme Court in *Greene Cty. Agricultural Soc. v. Liming*, 89 Ohio St.3d 551, 556 (2000), held that a county agricultural society is a political subdivision for purposes of tort liability even though it is not specifically listed as such in the definitional section of R.C. 2744.01. In reaching its decision, the Court looked to the three additional characteristics of a political

subdivision stated in that statute: to be a political subdivision, an entity must be a (1) “body corporate and politic” (2) that is responsible for governmental activities (3) in a geographical area smaller than the state. *Id.* at 554.

II

With this background, I now turn to the question of defining “political subdivision” for purposes of R.C. 9.68.

The statute lacks any definition of political subdivision. My statutory interpretation is guided by R.C. 1.42, which mandates that “[w]ords and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.”

A

As a court of appeals has noted in applying a different statute, “There is little authority as to what ‘political subdivision’ actually means and encompasses within the narrow context relevant [here].” *Crane v. Ohio Adult Parole Auth.*, 2023-Ohio-3031, ¶23 (10th Dist.). “[T]he General Assembly has variously defined the term ‘political subdivision’ for different purposes.” *Id.*

The definitions of “political subdivision” employed by the legislature in other sections of the Revised Code, however, are relevant to the legislature’s use of the term here. “It is a well-settled rule of statutory interpretation that statutory provisions be construed together and that the Revised Code be read as an inter-related body of law.” *State v. Moaning*, 76 Ohio St.3d 126, 128 (1996). Consequently, “when in a system of laws relating to a particular subject a general policy is plainly declared, in order to arrive at the meaning of any particular part or provision the whole must be considered and that construction adopted, if may be, which will bring it in harmony with such general policy.” *Alexander v. Baker*, 74 Ohio St. 258, 269 (1906).

A statutory definition for “political subdivision” frequently lists specific entities as political subdivisions, but also includes entities identified by their function and geography: “a municipal corporation, township, county, school district, or *other body corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state*.” (Emphasis added.) R.C. 2744.01(F). This definition is used with some variation in at least twelve sections of the Revised Code. *See, e.g.*, R.C. 9.22 (subdivision use of debit card accounts), R.C. 9.23 (disbursement of public funds), R.C. 9.73 (criminal background question on employment application), R.C. 9.74 (occupational licensing), R.C. 122.9511 (SiteOhio certification program), R.C. 905.503 (regulation of fertilizers), R.C. 917.06

(dairy products regulation preemption), R.C. 1533.83 (immunity for certain actions relating to shooting ranges), R.C. 2744.01 (political subdivision tort liability), R.C. 3722.01 (hospitals), R.C. 4796.01 (out of state occupational licensing), and R.C. 5735.40 (alternative fuels tax preemption).

As previously discussed, the Ohio Supreme Court in *Greene Cty. Agricultural Soc. v. Liming* decided that a county agricultural society is within the definition of a political subdivision for purposes of the state's political subdivision tort liability law even though not specifically listed. It reached this decision by considering the three common definitional characteristics of a political subdivision included in that law: the entity must be a (1) "body corporate and politic" (2) that is responsible for governmental activities (3) in a geographical area smaller than the state. *Greene*, 89 Ohio St.3d at 554.

From these examples, I can reasonably conclude that an entity, although not expressly listed by name in the statute, may nevertheless be considered a political subdivision if it has all of the following characteristics: (1) it is a "body corporate and politic" (2) that is responsible for a "governmental activity" (3) within a geographic area smaller than the state. Thus, it is necessary to examine whether a county agricultural society aligns with these three elements essential to being a political subdivision.

B

Recall that the authorizing statute for county agricultural societies designates them as “bodies corporate and politic.” R.C. 1711.13. The Ohio Supreme Court has concluded that “a body corporate and politic is a governmental body or public corporation having powers and duties of government. * * * [It is a body] created by the state for political purposes and to act as an agency in the administration of civil government, * * * and usually invested, for that purpose, with subordinate and local powers of legislation.” *Weber v. Oriana House*, 1995 WL 623068, *11 (9th Dist. Oct. 25, 1995), quoting *Hamilton Cty. Bd. of Mental Retardation and Developmental Disabilities v. Professionals Guild of Ohio*, 46 Ohio St.3d 147, 150 (1989). “Body politic” is defined in Black’s Law Dictionary (12th Ed. 2024) (15c) as “[a] group of people regarded in a political (rather than private) sense and organized under a common governmental authority.” Because the statute designates a county agricultural society as a “body corporate and politic,” a county agricultural society conclusively meets the first factor in the three-prong definition of a political subdivision.

C

The second prong of the common definition of a political subdivision is whether the entity is responsible for

a governmental function. It is apparent in examining the activities of a county agricultural society that its primary function is to educate the public on a panoply of agricultural, horticultural, and livestock subjects. “[T]he primary purpose of county agricultural societies has repeatedly been identified as education.” *Greene*, 89 Ohio St.3d at 555, (citing 1988 Ohio Atty.Gen.Ops. No 1988-034, at 2-153). “An agricultural fair is . . . a public institution designed for public instruction, the advancement of learning and the dissemination of useful knowledge.” *Id.* at 555-556, quoting *State ex rel. Leaverton v. Kerns*, 104 Ohio St. 550, 554 (1922). In fact, under R.C. 1711.10, the Director of Agriculture “may withhold funds for a particular county agricultural society if it is shown that the fair put on by that agricultural society was not of sufficient educational value to justify the expenditure of those funds.” *Id.* at 556. A county agricultural society’s educational purpose and activities are sufficient to meet the required second prong of the definition of a political subdivision by its exercise of the governmental function of educating the public.

D

The final prong of this three-part consideration is whether the entity is responsible for governmental activities within a geographic area smaller than the state. “A county agricultural society shall *consist solely of members who are residents of the county* in which the

society is organized.” (Emphasis added.) R.C. 1711.01(C). Moreover, to form a county agricultural society, “[t]hirty or more persons who are *residents of the same county* adopt a constitution and bylaws governing the society.” (Emphasis added.) R.C. 1711.01(A)(1). Thus, a county agricultural society is county-specific and plainly exists and operates within the confines of a geographic area smaller than the state. *See generally* 1988 Ohio Atty.Gen.Ops. No. 88-034, 2-153 (“a county agricultural society may exist only in a single county, and only one society may exist in each county”).

E

One of the purposes of R.C. 9.68 is uniformity in the regulation of firearms. As expressed in the statute itself, the General Assembly found a “need to provide uniform laws throughout the state regulating” the possession, transport, carrying, and other matters relating to firearms and knives. The Ohio Supreme Court has recognized the legislative objective in *City of Cleveland v. State*, wherein it observed that this statute addresses “the General Assembly’s concern that absent a uniform law throughout the state, law abiding gun owners would face a confusing patchwork of licensing requirements, possession restrictions, and criminal penalties as they travel from one jurisdiction to another.” 2010-Ohio-6318, ¶35. The determination that a county agricultural society is a political subdivision

for purposes of R.C. 9.68 supports the purpose of the statute for uniformity of regulation.

In summary, by weighing all of the attributes of a county agricultural society, including its statutory responsibilities and the state's oversight; the consistent use throughout the Revised Code of the three-element definition of a political subdivision; and the legislative purpose of the firearms pre-emption statute, I must conclude that a county agricultural society is a political subdivision within the meaning of R.C. 9.68.

Conclusion

Accordingly, it is my opinion, and you are hereby advised that:

A county agricultural society organized under R.C. Chapter 1711 is a political subdivision for purposes of R.C. 9.68.

Respectfully,

A handwritten signature in blue ink that reads "Dave Yost". The signature is fluid and cursive, with a large loop at the end of the last name.

DAVE YOST
Ohio Attorney General