



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

September 29, 2025

Via Electronic Mail

The Honorable Dave Yost
Attorney General of Ohio
30 E. Broad St., 14th Floor
Columbus, Ohio 43215

Re: Conflict Between Ohio Law and Federal Election Day Statutes

Dear General Yost:

Earlier this year, President Trump signed Executive Order (“EO”) 14248, entitled *Preserving and Protecting the Integrity of American Elections*. EO 14248 provides that “[f]ederal law establishes a uniform Election Day across the Nation for Federal elections,” 90 Fed. Reg. 14005, 14005 (Mar. 25, 2025) (citing 2 U.S.C. § 7 and 3 U.S.C. § 1), and declares that it is the “policy” of the Trump Administration “to enforce those statutes and require that votes be cast and received by the election date established in law,” notwithstanding contrary state laws. *Id.*; accord *Republican Nat’l Comm. v. Wetzel*, 120 F.4th 200, 203-04 (5th Cir. 2024) (holding Mississippi statute allowing ballot receipt up to five days after federal election day was preempted by federal law).

Ohio law directly conflicts with these federal statutes. Indeed, Ohio permits ballots for federal offices to be counted up to *four days after* Election Day. See Ohio Rev. Code § 3509.05(D)(2)(a). Accordingly, and pursuant to the Supremacy Clause of the United States Constitution, Ohio’s law must yield to the foregoing federal statutes.

The United States has strong interests in enforcing federal laws and policies—particularly those that ensure elections for federal office are “[f]ree, fair, and honest” and are “unmarred by fraud, errors, or suspicion[.]” 90 Fed. Reg. 14005, 14005. The United States thus implores Ohio to take immediate action (legislative or otherwise) to comply with federal law, and avoid costly litigation in federal court.

Regards,

A handwritten signature in blue ink, appearing to read "Harmeet K. Dhillon", with a long horizontal flourish extending to the right.

Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: The Honorable Mike DeWine
Governor of Ohio
77 South High Street, 30th Floor
Columbus, Ohio 43215

The Honorable Frank LaRose
Secretary of State of Ohio
200 Civic Center Drive
Columbus, Ohio 43215