May 6, 2026

William Simpson
Associated Students
University of California San Diego
9500 Gilman Drive
La Jolla, California 92093

Sent via U.S. Mail and Electronic Mail (aspresident@ucsd.edu)

Dear President Simpson:

FIRE[1] is concerned by Associated Students of UC San Diego policies and practices that restrict election-related expression.[2] Specifically, we are concerned that ASUCSD improperly disqualified candidate Aydin Yelkovan from a student government race based on protected speech. We urge ASUCSD to uphold its First Amendment obligations by reversing Yelkovan's disqualification and revising its unconstitutional policies.

ASUCSD's Elections Code prohibits candidates from coordinating with each other, including on social media, and requires students to campaign in a civil manner.[3] On April 3, student Kristen Ramirez filed an ASUCSD Electoral Commission complaint alleging Yelkovan—who was running for External Vice President— violated Sections 15(2)(b) and 43(k) of the Elections Code by reposting student organizations' voting guides that included photos of other candidates.[4] On April 6, the Commission found Yelkovan guilty, issued him a formal warning, and recommended he both take down the offending reposts and refrain from making similar posts going forward.

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[1] As you may recall from prior correspondence, the Foundation for Individual Rights and Expression is a nonpartisan nonprofit that defends free speech. You can learn more about our mission and activities at fire.org.

[2] The recitation of facts here reflects our understanding of the pertinent information. We appreciate that you may have additional information and invite you to share it with us. To these ends, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

[3] *Associated Students of University California San Diego Elections Code* §15(2)(b), 43(k), 44(a) (2025) https://docs.google.com/document/d/1Jmb15_GwMTASg9NREiFtubEWpV6aC11ghio7xPVfo0o/edit?tab=t.xrn9c72hivs [https://perma.cc/EU39-57P9].

[4] *Ramirez v. Yelkovan*, Case 13, 2 (Associated Students Elections Comm'n 2026), *available at* https://docs.google.com/document/d/121dJx-Dgsg-0iiX38_2BYRePwe66BFrLqakijlQnbYE/.

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On April 7, student Ryan Coryea filed a complaint against Yelkovan, alleging he had received an impermissible endorsement from Oliver Ma, a candidate for Lieutenant Governor of California. Coryea cited a story from Yelkovan's campaign reading, "Oliver for Lieutenant Governor x Aydin [Yelkovan] for External VP" on Instagram.[5] Coryea also alleged that, even if Ma's post was not an endorsement, Yelkovan sharing a story suggesting Ma had endorsed him was an "indecent form of campaigning" that would violate Section 44(a) of the Elections Code.[6] On April 8, the Commission found Yelkovan's campaigning to be "indecent" despite the lack of clarity surrounding Ma's alleged endorsement.[7] Yelkovan appealed the decision to the Associated Students Judicial Board on April 9, and the Judicial Board upheld the Election Commission's decision on April 10.[8]

On April 8, student Jack Derby filed a complaint against Yelkovan, alleging yet another violation of Section 44(a).[9] Derby's complaint rested not on Yelkovan's own speech, or on the speech of others that he reposted, but on comments posted to Instagram by a third party: the Blind Snakes Co-Op student organization.[10] Like all candidates receiving official endorsements, Yelkovan signed an endorsement agreement with the Co-Op,[11] and Derby's complaint alleged this made Yelkovan personally liable for any violations of the UCSD Elections Code that might have been committed by the Co-Op.[12] Derby alleged that the Co-Op's social media comments attacking candidates in other races for failing to support students with disabilities were "uncivil," violating the Elections Code.[13]

On April 10, the Electoral Commission found Yelkovan guilty of violating Section 44(a) because of the Blind Snake Co-Op's posts and his endorsement agreement with the organization.[14] Yelkovan appealed based on an alleged misapplication of ASUCSD's governing rules, but the Judicial Board declined to hear the case.[15] The following day, the ASUCSD Electoral

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[5] *Coryea v. Yelkovan*, Case 24 (Associated Students Elections Comm'n) (alleging Ma could not vote in the election and therefore could not permissibly endorse Yelkovan), *available at* https://docs.google.com/document/d/121dJx-Dgsg-0iiX38_2BYRePwe66BFrLqakijlQnbYE/; *see* ELECTIONS §39.

[6] *Coryea*, Case 24 at Doc. 2; *see* ELECTIONS §44(a) (requiring campaigning "in a civil, decent, and respectful manner").

[7] *Coryea*, Case 24 at 1.

[8] *Id.*

[9] *Derby v. Yelkovan*, Case 27 (Associated Students Elections Comm'n), *available at* https://docs.google.com/document/d/121dJx-Dgsg-0iiX38_2BYRePwe66BFrLqakijlQnbYE/; *see* ELECTIONS §44(a).

[10] *Derby*, Case 27 at Docs. 5–7.

[11] *Id.* at Doc. 2.

[12] *Id.*

[13] *Id.* at Docs. 5–7.

[14] *Id.* at 2.

[15] *Id.* at 2–3.

Commission informed Yelkovan that he was disqualified from the election because of the three formal warnings he received from each of the guilty verdicts.[16]

ASUCSD's disqualification of Yelkovan violates the First Amendment by restricting student government candidates' expressive association and by requiring them to be "civil." As a public university, UCSD may not penalize protected student expression.[17] ASUCSD is an agent of the university and therefore must also abide by the First Amendment.[18]

The first complaint against Yelkovan alleged that, by reposting a third-party candidate guide with other candidates' photos, he improperly coordinated with those candidates. But the cited sections of the Elections Code represent unconstitutional restrictions on student government candidates' right to expressive association. The First Amendment protects the "right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends."[19] As a corollary, the First Amendment also forbids "guilt by association."[20] ASUCSD's Elections Code violates this right to associate by punishing candidates who "[C]oordinat[e] with other campaigns."[21] Such a blanket restriction bars posts like Yelkovan's, which merely propose voting for two candidates. ASUCSD has also taken those restrictions to an even greater extreme, applying them to merely reposting voting guides developed by a third party. It is hard to imagine a clearer example of political expressive association than one candidate's statement that he or she supports one or more fellow candidates.

ASUCSD's decision to go even further and punish Yelkovan for the expression of a third party that supports him moves this First Amendment violation into the realm of the absurd. Yelkovan was found guilty of uncivil campaigning based solely on the speech of the Blind Snakes Co-Op—speech he did not himself post or repost. The implication is inescapable: for candidates to receive an endorsement, they must either demand third parties censor themselves or risk disqualification from the election. With this rule, ASUCSD literally turns the expression of endorsing a candidate with whose positions a group agrees into a weapon that

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[16] Email from Electoral Commission to Aydin Yelkovan, student (Apr. 11, 2026, 8:12 PM) (on file with author).

[17] *Healy v. James*, 408 U.S. 169, 180 (1972) ("[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, 'the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.'") (internal citation omitted).

[18] *Vice Chancellor – Student Affairs and Campus Life Organization Chart* (on file with author).

[19] *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984); *Widmar v. Vincent*, 454 U.S. 263, 268–69 (1981) ("[O]ur cases leave no doubt that the First Amendment rights of speech and association extend to the campuses of state universities."); *see also, e.g., NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 918–919 (1982) ("[T]he First Amendment restricts the ability of the State to impose liability on an individual solely because of his association with another."). This applies regardless of the genesis of the restriction, whether it be a university policy, *see Chi Iota Colony of Alpha Epsilon Pi Fraternity v. City Univ. of N.Y.*, 502 F.3d 136, 139 (2d Cir. 2007), a university's directive banning student group social functions, *see Gay Students Organization of University of N.H. v. Bonner*, 509 F.2d 652, 654 (1st Cir. 1974), or a university's discipline for student group misconduct, *see Iota Xi, Sigma Chi Fraternity v. Patterson*, 566 F.3d 138, 141 (4th Cir. 2009).

[20] *Healy*, 408 U.S. at 186.

[21] *Elections* §15(2)(b).

can be (and was) wielded by that candidate's political opponents. That kind of nonsensical vicarious liability would be unacceptable even if the underlying conduct were unprotected. ACUCSD's sanctioning of candidates for others' perfectly protected expression is egregious censorship.

Section 44(a)'s demand that candidates "[c]ampaign in a civil, decent, and respectful manner,"[22] is likewise a constitutional problem and itself warrants reversal of Yelkovan's disqualification. The First Amendment does not contain an exception for merely "uncivil" expression, and it is equally well-established that it constrains public universities like UCSD in penalizing student expression.[23] As the Supreme Court has repeatedly, consistently, and clearly held, government actors may not restrict speech on the ground that others find it disrespectful, abusive, or hostile, and/or because it employs profanity or name-calling.[24] The need to protect speech that others find disrespectful or hostile applies with particular strength to public universities, which, by their nature, are dedicated to open discussion.[25]

Section 44(a)'s civility requirement impermissibly threatens a substantial amount of speech the First Amendment protects.[26] It is also constitutionally infirm for the independent reason that, as a civility requirement, it impermissibly stifles dissent. When universities impose subjective civility or collegiality norms on students, they carry the inherent risk of abuse through the selective punishment of students who express disfavored viewpoints. Courts have thus held that any conception of free expression in the public university setting must allow room for speech others subjectively feel is "unprofessional" or "uncivil."[27] This means ASUCSD cannot punish students, even student government candidates, simply for engaging in such speech[28] ASUCSD's application of the rule to Yelkovan proves its overbreadth; the Electoral Commission deemed an Instagram story that merely listed his name and another candidate's to somehow be "indecent." But it is just this kind of innocuous political speech and election-

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[22] *Elections* §44(a).

[23] *Id.* at 180.

[24] *See Cohen v. California*, 403 U.S. 15, 25 (1971) (wearing jacket that says "Fuck the Draft" is protected); *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (First Amendment protects burning the American flag); *Snyder v. Phelps*, 562 U.S. 443, 448, 461 (2011) (First Amendment protects protesters holding insulting signs outside funerals). Also take, for example, a student newspaper's front-page publication of a political cartoon depicting policemen raping the Statue of Liberty and the Goddess of Justice under a vulgar headline ("Motherfucker Acquitted")—which were words and images, published at the height of the Vietnam War, that were no doubt offensive to many at a time of deep polarization and unrest, but were nonetheless held to be protected by the First Amendment. *Papish v. Bd. of Curators of Univ. of Mo.*, 410 U.S. 667, 667–68 (1973).

[25] *See Papish*, 410 U.S. at 671 (1973).

[26] *See Coll. Republicans at S.F. State Univ. v. Reed*, 523 F. Supp. 3d 1005, 1017–18 (N.D. Cal. 2007) (striking down a requirement that students be civil to one another).

[27] *See id.* at 1018–20 (ordering university to stop enforcing policy requiring students to "be civil to one another" because it was overbroad and infringed on their expressive rights).

[28] The First Amendment disdains these subjective norms for the very reasons that those in authority "cannot make principled decisions" over whether speech may be penalized because of the offense it causes others. *Cohen*, 403 U.S. at 25.

related advocacy that "is the essence of self-government."[29] ASUCSD's efforts to silence such expression as "uncivil" run counter to the core protections the First Amendment provides and have no place in an (ostensible) democracy.

Yelkovan's speech is fully protected by the First Amendment, and the ASUCSD policies used to punish him are impermissibly overbroad. All three sections used to punish Yelkovan almost exclusively punish not just protected but core political speech. It is difficult to identify within these sections *any* legitimate regulation of unprotected expression against which one might compare its unconstitutional applications. ASUCSD must therefore narrow its regulations to properly target unprotected activity and must not sanction any candidate for violating the overbroad regulations.[30]

For these reasons, ASUCSD may not impose sanctions on Yelkovan for his collaboration with other candidates, his social media commentary, or comments made by a third-party organization.

We request a substantive response to this letter no later than the close of business on May 19, 2026, confirming ASUCSD will reverse Yelkovan's disqualification and revise its Elections Code to align with the First Amendment. FIRE would be happy to assist with revising the code if desired, free of charge and in accordance with our charitable mission.

Sincerely,

Dominic Coletti
Program Officer, Campus Rights Advocacy

Cc: Pradeep Khosla, Chancellor
Alysson M. Satterlund, Vice Chancellor of Student Affairs and Campus Life
Andrew Hua, Interim Assistant Vice Chancellor of Campus Life
Associated Students Judicial Board
Aries Cole, Elections Manager
William Maggin, Chief Communications and Marketing Officer

Encl.

[29] *Garrison v. Louisiana*, 379 U.S. 64, 74–75 (1964).

[30] *Cf. United States v. Stevens*, 559 U.S. 460, 481–82 (2010) (when the majority of a regulation's applications are unconstitutional, it is immaterial whether it has any legitimate sweep; that regulation is invalid, and it cannot be used to sanction even unprotected conduct).