



June 22, 2026

The Honorable JB Pritzker
Office of the Governor
401 S. Spring St.
Springfield, IL 62704

Re: IL H.B. 5511 – Request for Veto

Dear Governor Pritzker,

I write today on behalf of the Electronic Frontier Foundation (EFF), the leading non-profit organization that works to protect civil liberties in the digital age. EFF represents more than 32,000 individual active donors and members, including in Illinois. We write to respectfully ask for a veto of H.B. 5511,¹ which would mandate a sweeping, statewide age-gating framework for nearly all internet-enabled devices, operating systems, and online services.

While we fully share the Legislature's goal of protecting young people online, parents—not the government—should be empowered to guide their children's digital experiences. Any policy in this space must be narrowly tailored, technologically feasible, and respectful of constitutional boundaries. Unfortunately, H.B. 5511 fails on all three fronts. By forcing platforms to collect and broadcast users' age brackets, banning algorithmic feeds and late-night notifications without "verifiable parental consent," and creating a broad private right of action, this bill creates severe privacy and security risks for all Illinois residents. Far from protecting children, H.B. 5511 will effectively dismantle online anonymity, jeopardize data security, and severely restrict access to constitutionally protected speech for minors and adults alike.

H.B. 5511 Harms the Privacy and Expressive Rights of Adults and Youth Alike

H.B. 5511 is a recipe for widespread online censorship. Given the bill's broad enforcement mechanisms and potential liability, the legal risk created by H.B. 5511 is likely to lead application developers and software providers to exclude users who are suspected to be under 18, or who fall into age brackets deemed too legally risky. This effectively outsources censorship to developers, who will lean into over-censorship to protect their bottom lines.

Furthermore, to know which users are minors, platforms must first confirm the ages of *all* users. Even though H.B. 5511 does not explicitly require companies to perform age verification, it nonetheless imposes a liability structure that strongly pressures companies to verify users' ages anyway. In practice, that could lead to more ID checks, more biometric scanning, more invasive data collection and risk of breach, and more barriers to adults' and young people's lawful speech.

¹ Legislative Information System. (2026) Illinois General Assembly - Bill Status of HB5511. Retrieved June 17, 2026, from <https://ilga.gov/Legislation/BillStatus?GAID=18&DocNum=5511&DocTypeID=HB&LegId=167486&SessionID=114>.

When parental consent is required, companies must collect even more verification data, linking child and parent accounts and completely destroying online anonymity. These databases create massive, centralized data "honeypots" that invite identity theft and permanent surveillance. We have already witnessed repeated data breaches involving commercial identity-verification services.² Ironically, while claiming to protect minors, H.B. 5511 forces platforms to collect the very sensitive, personal data that puts children at the greatest risk from bad actors.

Finally, this bill creates a conflicting, overlapping state-level regime that duplicates existing federal law. The Children's Online Privacy Protection Act (COPPA) already provides comprehensive protections for children under 13—enforced actively by the Federal Trade Commission—by restricting data collection and requiring verifiable parental consent. H.B. 5511 adds heavy state compliance burdens without offering any demonstrated safety benefits.

H.B. 5511's Framework is Problematic and Unconstitutional

By requiring users to disclose their age bracket before accessing standard online content and also requiring restrictive defaults for minors to use social media and other online services, H.B. 5511 interferes with young people's right to speak and access information online. It also burdens adults' ability to speak and get information online. These are big First Amendment concerns. First, there is no "kid exception" to the First Amendment.³ Young people enjoy the constitutional right to speak and access lawful speech online. Courts across the country have consistently struck down laws restricting minors' access to digital platforms because they unconstitutionally burden both youth and adult expression.⁴ The Supreme Court has also invalidated laws that require children to get parental permission before accessing lawful, non-obscene expression.⁵

Second, the bill's rigid, bracketed framework completely disregards the structural reality of how families use technology. It assumes every user operates an isolated, single-user device. In reality, many families share devices—particularly in low-income and working-class households. H.B. 5511 provides no workable blueprint for shared hardware, meaning an adult logging into a

² Jason Kelley. (2026) Hack of Age Verification Company Shows Privacy Danger of Social Media Laws. *Electronic Frontier Foundation*. <https://www.eff.org/deeplinks/2024/06/hack-age-verification-company-shows-privacy-danger-social-media-laws>; Joseph Cox. (2026) The Discord Hack is Every User's Worst Nightmare. *404 Media*. <https://www.404media.co/the-discord-hack-is-every-users-worst-nightmare/>;

Jacqui Wakefield. (2026) My ex stalked me, so I joined a 'dating safety' app. Then my address was leaked. *BBC News*. <https://www.bbc.com/news/articles/ce87rer52k3o>

³ Aaron Mackey. (2026) EFF to Court: Young People Have First Amendment Rights. *Electronic Frontier Foundation*. <https://www.eff.org/deeplinks/2025/06/eff-court-young-people-have-first-amendment-rights>

⁴ Aaron Mackey. (2026) States Tried to Censor Kids Online. Courts, and EFF, Mostly Stopped Them: 2025 in Review. *Electronic Frontier Foundation*. <https://www.eff.org/deeplinks/2025/12/states-tried-censor-kids-online-courts-and-eff-mostly-stopped-them-2025-review>

⁵ Brown, et al. v. Entertainment Merchants Assn. et al., 564 U.S. 786 (2011)

shared family tablet could easily be blocked from accessing lawful speech and basic features of a service.

Independent studies have repeatedly shown that no current age-verification method is both entirely accurate and privacy-protective.⁶ ID-based systems lock out individuals who lack documentation, while biometric estimation is invasive and error-prone.⁷ By forcing a profound structural shift in how public discourse and private data flow across the internet, Illinois risks entrenching digital harms rather than reducing them.

Parental Consent Laws Harm Vulnerable Young People

H.B. 5511's parental consent mandate effectively creates a discriminatory, two-tier class system for young people. Under this framework, a minor's access to certain social media features and information is entirely dependent on whether they have the structural, legal, or social means to obtain parental sign-off. This creates an immediate divide, relegating youth from marginalized or non-traditional backgrounds to a second-class internet experience.

Furthermore, the bill's restrictions on "addictive feeds" fundamentally misunderstand the nature of online expression. The personalized recommendation systems targeted by H.B. 5511 are inherently expressive because they reflect the choices made by platforms to organize content on their services, incorporate and respond to user-generated expression, and provide users with the means to access each other's speech in a digestible and organized way. Moreover, the presence of these personalized recommendation systems directly informs the speech that users create on platforms, as creators routinely produce content with the intent of it getting "picked up" by the algorithm and delivered to other users. By blocking them from accessing these personalized feeds without parental consent, H.B. 5511 directly burdens the First Amendment rights of young social media users.

This parental consent architecture also burdens the First Amendment rights of adult internet users. Because the age-verification scheme required to administer parental consent applies across the board, adults and minors alike could be forced to provide identifying documents to prove their age and familial or custodial relation. This would result in a profound invasion of privacy that chills all users who wish to remain anonymous when accessing protected speech, excludes adults who lack proper government documentation, and exposes those who do comply/pass the age-gate to data breaches or the unauthorized sale of their data.

⁶ Molly Buckley. (2026) Age Verification Systems Are Surveillance Systems. *Electronic Frontier Foundation*. <https://www EFF.org/pages/age-verification-systems-are-surveillance-systems>

⁷ Adam Schwartz. (2026) Face Scans to Estimate Our Age: Harmful and Creepy AF. *Electronic Frontier Foundation*. <https://www EFF.org/deeplinks/2025/01/face-scans-estimate-our-age-creepy-af-and-harmful>

Finally, these age-gating schemes cut off vital lifelines for vulnerable youth in non-traditional families—such as children in foster care, those raised by extended relatives, or youth with different last names than their legal guardians—where obtaining "verifiable" consent may be logistically impossible. For LGBTQ+ youth, foster kids, and minors stuck in unsupportive home environments, digital communities are often the only safe places to find community or access life-saving resources.⁸ Giving parents absolute veto power over a minor's access to the outside world strips abused or neglected youth of their ability to seek external support systems, trapping them in dangerous situations where the guardians responsible for their care may not have their best interests at heart.

Illinois Should Not Blindly Repeat California's Mistakes

Much of H.B. 5511 is modeled after controversial legislation passed in California (A.B. 1043),⁹ which has already drawn immense blowback from open-source communities, privacy advocates, and tech stakeholders.¹⁰ For Illinois to copy this suspect age-bracketing regime before California's law has even gone into effect, been tested in court or proven functional is premature, economically risky, and legally wasteful.

The open-source community has been clear: requiring them to build age-gating technology into their operating systems poses an existential threat to the open web. Open-source software is not structured like Big Tech platforms. These projects are largely built and maintained by decentralized networks of volunteers and small non-profit teams with no revenue or in-house legal counsel. They cannot afford the massive engineering and legal costs required to build complex age-signaling infrastructure, nor can they absorb the punitive fines imposed by this bill. Crucially, most open-source operating systems are explicitly designed *not* to collect their users' personal information and do not feature centralized user account systems¹¹. Users download open-source software directly without creating logins. The core premise of H.B. 5511—that an

⁸ Angela Weiss. (2026) How young people use social media to engage civically. *PBS News Hour*. <https://www.pbs.org/newshour/classroom/classroom-voices/student-voices/2020/11/student-voice-how-young-people-use-social-media-to-engage-civically>

⁹ California Assembly (2025). Bill Text - A.B. 1043 Age verification signals: software applications and online services. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260AB1043

¹⁰ Andy Edser. (2026) A new California law says all operating systems, including Linux, need to have some form of age verification at account setup. *PC Gamer*. <https://www.pcgamer.com/software/operating-systems/a-new-california-law-says-all-operating-systems-including-linux-need-to-have-some-form-of-age-verification-at-account-setup/>; Luke James. (2026) California introduces age verification law for all operating systems, including Linux and SteamOS — user age verified during OS account setup. *Tom's Hardware*. <https://www.tomshardware.com/software/operating-systems/california-introduces-age-verification-law/>; Apurba Sen. (2026) California Age Law Puts Open Source Operating Systems In A Compliance Dilemma. *Open Source For You*. <https://www.opensourceforu.com/2026/03/california-age-law-puts-open-source-operating-systems-in-a-compliance-dilemma/>

¹¹ Aneeshya. (2026) California Age Verification Law Linux: Why AB 1043 Critically Fails Open Source In 2027. *LinuxTeck*. <https://www.linuxteck.com/california-age-verification-law-linux/>

operating system can simply ping a user for their age and broadcast that signal to developers—is fundamentally incompatible with how open-source technology is built.

This leaves community projects with an impossible choice: completely re-engineer their software into user-tracking compliance tools, or withdraw from the state entirely. We have already seen major open-source projects scrambling to address these conflicting state laws with the California law, with some actively planning to block all California IP addresses because compliance is technologically impossible.¹² Illinois should not be eagerly following suit.

Conclusion

H.B. 5511 doubles down on an untested, constitutionally suspect, and technologically flawed framework. It dramatically increases the privacy and speech burdens on users of all ages, creates highly targetable databases of children's sensitive information, and threatens to cripple the open-source ecosystem that underpins the modern internet.

Protecting youth online is an admirable goal, but it must not be pursued at the expense of core constitutional freedoms and personal privacy. To truly make the internet safer, lawmakers should focus on enacting comprehensive data privacy legislation that protects *all* users from predatory data harvesting, alongside robust digital literacy education for residents young and old.

For these reasons, we must respectfully oppose H.B. 5511 and urge you to veto this legislation. Thank you for your time and your consideration.

Sincerely,

Electronic Frontier Foundation

¹² Sk. (2026) MidnightBSD Excludes California from Desktop Use Due to Digital Age Assurance Act. *OSTechNix*. <https://ostechnix.com/midnightbsd-excludes-california-digital-age-assurance-act/>; Michael Larabel In. (2026) Ubuntu Still Figuring Out A Plan For Dealing With California's Digital Age Assurance Act. *Phoronix*. <https://www.phoronix.com/news/Ubuntu-Digital-Age-Assurance>