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April 18, 2024

The Honorable Bob Archuleta  
1021 O Street, Suite 6620  
Sacramento, California 95814

**Re: SB 1081 – as amended 4/1/24  
OPPOSE**

Dear Senator Archuleta:

American Civil Liberties Union California Action regrets that we must respectfully oppose your Senate Bill (SB) 1081, which would entangle application for a first-time or renewal of a California driver's license and California I.D. to registration for the federal Selective Service System (SSS) for those under the age of 26 – including people under the age of 18. SB 1081 presents a complication to those with AB 60 (Alejo, 2013) licenses, as undocumented immigrants may fear that their information would be shared either purposefully, or inadvertently, with federal authorities.

There are many policy concerns noted below, however, we lead with the cost concerns. SB 1081 will require significant and costly changes that would be placed on DMV employees, while undermining the intent of AB 60, which was to provide licenses to eligible California residents regardless of immigration status. Importantly, in 2015, the Senate Committee on Appropriations fiscal analysis estimated that any federal funds would be for only the one-time implementation and that the additional annual costs would become a General Fund obligation. It is inappropriate and unnecessary to devote scarce state resources to carry out a federal function.

The ACLU has fundamental religious freedom concerns about Selective Service registration because there is no opportunity for an individual to declare themselves as a conscientious objector at the time of registration. For some, the act of registration forces them to engage in an activity that is in violation of their religious beliefs.

Regarding this legislation, we question the propriety and fairness of asking a 16- or 17-year-old to enter a binding contract stating that they will be registered for the Selective Service effective upon reaching age 18. Generally, under existing law, a contract entered by a minor may be disaffirmed before he or she reaches majority (Family Code §6710). However, Family Code §6711 provides “[a] minor cannot disaffirm an obligation, otherwise valid, entered into by the minor under the express authority or direction of a statute.” Therefore, unlike most other contracts entered into by a minor, the contract entered into under this proposed legislation would be binding on a 16- or 17-year-old.

The SSS prominently claims that it does not collect or disclose immigration-related information. On the homepage of its website, the SSS states: “The Selective Service System has not now, or in the past, collected or shared any information which would indicate a man’s immigration status, either documented or undocumented.”<sup>1</sup> However, in other publications, SSS claims that it discloses information to immigration agencies in limited circumstances. Pursuant to the Privacy Act, the SSS

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<sup>1</sup> [Immigrants & Dual Nationals | Selective Service System : Selective Service System \(sss.gov\)](https://www.sss.gov)

publishes a notice of its system of records.<sup>2</sup> According to that notice, the SSS may share information from its system of records with certain other government agencies, including the Department of State (“DOS”) and the US Citizenship and Immigration Services (“USCIS”). The SSS states that it “may” provide information to the DOS and USCIS for the purpose of “collection and evaluation of data to determine a person’s eligibility for entry/reentry into the United States and for U.S. citizenship.”<sup>3</sup> Importantly, the notice does not appear to prohibit disclosure for other purposes, or to DHS/ICE, or to prohibit DOS and USCIS from sharing information they obtain from SSS with other agencies. Likewise, there does not appear to be any law or regulation that prohibits SSS from disclosing immigration-related information to DHS/ICE.

It is this inconsistency and lack of prohibition against disclosure that may result in fewer undocumented immigrants obtaining an AB 60 license, fearing that their information is not protected from inadvertent or purposeful disclosure to federal immigration authorities.

“Non-immigrant men living in the United States on a valid visa are not required to register for as long as they remain on a valid visa up until they turn 26.”<sup>4</sup> There is no requirement for an AB 60 license applicant to disclose that their visa exempts them from registering from the SSS.

In 2015, Governor Jerry Brown vetoed a similar bill, AB 82 (Garcia), stating “In view of the relatively easy ways that young men can register for the U.S. Selective Service System such as registering online, at their high school, or at a local post office, I don’t think this new responsibility for the Department of Motor Vehicles is advisable.”

For these reasons, ACLU California Action opposes SB 1081.

Sincerely,



Carmen-Nicole Cox  
Director of Government Affairs



Cynthia Valencia  
Legislative Advocate

cc: Members and Committee Staff, Senate Appropriations Committee

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<sup>2</sup> *Publication of Notice of System of Records*, Selective Serv. Sys. (2017), [sss.gov/wp-content/uploads/2020/03/2017-SSS-SOR.pdf](https://sss.gov/wp-content/uploads/2020/03/2017-SSS-SOR.pdf)

<sup>3</sup> Id., see also Privacy Act Statement, Privacy Policy, Selective Serv. Sys. (January 12, 2017), [PrivacyAct.pdf \(sss.gov\)](https://sss.gov/PrivacyAct.pdf)

<sup>4</sup> [Immigrants & Dual Nationals | Selective Service System : Selective Service System \(sss.gov\)](https://sss.gov/Immigrants-Dual-Nationals-Selective-Service-System)