

INSTRUCTIONS FOR THE PREPARATION OF
ALABAMA DEPARTMENT OF REVENUE
Electing Pass-Through Entity Return

2023

What's New

Enter all negative numbers with the negative sign. Do not use parenthesis when entering negative numbers. This also pertains to those fields with the "hard coded" parenthesis.

Schedule CP-B, Composite Payments/Electing Pass-Through Entity Credits. The Alabama Department of Revenue now requires the use of Schedule CP-B. This schedule is used to enter the amount of any composite payments and/or electing pass-through credits made on behalf of the entity by another entity. Each composite payment/electing pass through credit should be listed separately. See Schedule CP-B instructions for additional information.

Credit Card Options available:

My Alabama Taxes (MAT) – Taxpayers who have an account with the Alabama Department of Revenue may register and make credit card payments using MAT. Visit the Department's website at www.revenue.alabama.gov (click the MAT icon on the home page).

For technical assistance with making a payment using MAT call toll free (1-800-322-4106, option 5 or 334-242-1170, option 5) from 8:00 a.m. through 5:00 p.m. (Central Standard Time).

Electing Pass-Through Entity. Alabama Act 2021-1 allows Alabama S-Corporations and Subchapter K entities (pass-through entities or PTEs) to elect to pay Alabama income tax at the entity level. Entities making this election (Electing PTEs) must notify ADOR by filing Form PTE-E via My Alabama Taxes at any time during the tax year but no later than the 15th day of the third month following the close of that tax year for which the entity elects to be taxed as an Electing PTE. Entities making this election are required to file Form EPT, in addition to Form 65 or Form 20S, and submit estimated tax payments. To revoke the election, the Electing PTE must submit Form PTE-E via My Alabama Taxes (MAT) at any time during a subsequent tax year or on or before the fifteenth day of the third month following the close of that tax year for which the entity elects to no longer be taxed as an Electing Pass-Through Entity.

Act 2021-423 requires that an owner, member, partner, or shareholder of an electing PTE report income from the Electing PTE and shall be entitled to a refundable credit in an amount equal to its pro rata or distributive share of the Alabama income tax paid by the Electing PTE with respect to the corresponding tax year.

Tiered Structures: Each tier must make an election to be taxed at the entity level. However, the Electing PTE is optional at the upper tier level. The Electing PTE tax paid at the lower tier LLC flows up to the upper tier LLC. To claim the Electing PTE credit made on their behalf, the upper tier LLC lists the credit on Schedule CP-B and then enters the total credit(s) on Form EPT, Line 5d, if the upper tier has elected.

If the upper tier LLC does not make the election, the credit must be reported on Form PTE-C, Nonresident Composite Payment Return, Line 5c. The credit is allowed to flow to the non-resident partners and the entity would receive a refund for the

resident partners share of the credits.

General Instructions

Original Due Date

The calendar year return is due on or before March 15, 2023. For fiscal year or short year taxpayers, the return is due on or before the 15th day of the 3rd month following the close of the tax period. If the 15th falls on Saturday, Sunday, or a state holiday then the due date will be considered the following business day.

Extension

Any extension of time to file an income tax return allowed for by federal income tax purposes will be recognized for Alabama purposes. However, the extension of time for filing the return is not an extension of time for payment of tax. The amount of tax due must be paid on or before the due date of the return without regards to the extension of time to file the return.

Specific Instructions

File the 2023 return for calendar year, fiscal year, or short year that begins in 2023. At the top, right-hand corner of page 1, check the appropriate box indicating a calendar year, fiscal year, or short year return. A **calendar tax year** is 12 consecutive months, beginning January 1 and ending December 31. It is not appropriate for 52/53 week filers. A **fiscal tax year** is 12 consecutive months ending on the last day of any month except December. A **short tax year** is a tax year of less than 12 months. A **52/53 week tax year** is a fiscal tax year that varies from 52 to 53 weeks that ends on a set day of the week but does not have to end on the last day of a month. At the top, left-hand corner of page 1, check all applicable boxes indicating if the return is for a Subchapter K entity, S Corporation, or an Amended Return. Please indicate if the return includes the 2220 AL or if the return is being submitted due to a Federal Audit Change.

- Line 1. Enter the total Pass-Through Entity Income apportioned to Alabama. The taxable income used to determine the tax for the Electing Pass-Through is the sum of Nonseparately Stated Income(loss) and deductions plus Separately stated income(loss) and deductions See Schedule EPT-K1, line 14.
- Line 2. Enter the amount of Tax Due from Schedule EPT-K1, line 15.
- Line 3. Enter the amount of nonrefundable credits from Schedule EPT-C, Section C, column 5.
- Line 4. Enter the Net Tax Due. Subtract line 3 from line 2 and enter the difference here.
- Line 5a. Enter any overpayment from 2022.
- Line 5b. Enter the 2023 estimated tax payments paid.
- Line 5c. Enter any extension and WNR-V tax payments.
- Line 5d. Enter the total Composite Payment(s) and/or Electing Pass-Through Entity Credit(s) from Schedule CP-B, line 3. **Schedule CP-B must be completed and attached to the Form EPT if you are claiming Composite Payment(s) or Electing Pass-Through**

Entity Credit(s). Refer to the Schedule CP-B instructions for additional information.

- Line 5e. Enter any refundable credits from Schedule EPT-C, Section D, line 3.
- Line 5f. Enter the total of all payments/credits. Add lines 5a through 5e and enter the amount here.
- Line 6. Enter the amount to be remitted or the overpayment. Subtract line 5f from line 4 and enter the amount here.
- Line 7a. Enter any overpayment to be credited to your 2024 return.
- Line 7b. Enter the sum of the penalty boxes (late payment estimate penalty and other penalty). Late Payment Estimate (Form 2220AL) – Enter amount from Form 2220AL, Part II, line 4a. Estimated tax payments not paid by each quarterly due date will be subject to an underpayment penalty – determined by applying the underpayment rate established by 26 U.S.C. §6621 (as provided by Alabama Code Section 40-18-80.1) to the underpayment for the period of underpayment. In addition, the 10% penalty provided for in Alabama Code Section 40-2A-11 applies to estimated tax payments not paid by the quarterly due date. Must be completed if taxpayer utilizes Form 2220AL, as an alternative method to compute penalty and interest, as a result of underpayment of estimated tax. If estimate penalty is not calculated, estimate penalty will be calculated based on equal quarterly installments. Other (Penalty on Tax) If the return is not filed on or before the due date (with extensions), enter a delinquent penalty of 10% of the tax due or \$50, whichever is greater. Taxes not paid by the original due date will be subject to a late payment penalty of 1% per month for each month or fraction thereof that the tax remains unpaid, up to 25%, as provided in §40-2A-1.
- Line 7c. Enter the sum of interest boxes (estimate interest and interest on tax). Estimate Interest (Form 2220AL) Enter amount from Form 2220AL, Part II, line 4b. Estimated tax payments not paid by each quarterly due date will be subject to interest on the underpayment – determined by applying the underpayment rate established by 26 U.S.C. §6621 (as provided by Alabama Code Section 40-18-80.1) to the underpayment for the period of underpayment. Must be completed if taxpayer utilizes Form 2220AL, as an alternative method to compute penalty and interest, as a result of underpayment of estimated tax. If estimate

penalty is not calculated, estimate penalty will be calculated based on equal quarterly installments. Interest on Tax - Enter the amount of interest due on the balance of tax due, computed from the due date (without extensions) of this return to the date paid. The Alabama interest rate is the same as provided in 26 U.S.C. §6621.

Line 7d. Enter the total of all reductions. Add lines 7a, 7b, and 7c.

Line 8. Enter the total amount due or refund due. Add line 6 plus line 7d.

SCHEDULE EPT-K1, LINES 1-11.

Schedule EPT-K1 serves as the second page of Alabama Form EPT, and summarizes the required information concerning shareholders and owners. Give complete information regarding each owner/shareholder as requested in columns (A), (B), (C), (D), (E), and (F). Column (C) should indicate one of the following: I = individual; F = trust/estate; P = partnership, LTD, LLC, LLP; S = S corporation, E = exempt entity; C = corporation; IRA = individual retirement arrangement; FGOV = foreign government or DE = disregarded entity. Column (E) should include the amount of each owner's/shareholder's Nonseparately Stated Income(loss) and deductions plus Separately stated income(loss) and deductions reported on Schedule K-1, Line G, Line H, Line I, Line J, Line K, Line L, Line M, Line N, Line O, Line P, Line Q, Line R and Line S. Column (F) should be the amount from Column (E) multiplied by 5%. The totals from the additional pages of Schedule EPT-K1 should be combined and reported on line 13 of Schedule EPT-K1.

Line 12. Enter the totals from Page 2, columns (E) through (F).

Line 13. Enter the totals from any additional pages, columns (E) through (F).

Line 14. Add lines 12 and 13, column (E) and enter here and on Page 1, line 1.

Line 15. Add lines 12 and 13, column (F) and enter here and on Page 1, line 2.

Unless Schedule EPT-K1 is attached, this return is considered incomplete.

Mail returns to:

Alabama Department of Revenue
Income Tax Administration Division
Pass-Through Entity Section
P. O. Box 327444
Montgomery, AL 36132