GUIDE

Form 2553: instructions, deadline and where to mail it

Form 2553 elects S-Corp tax status for a corporation or an LLC. For a calendar-year company it's due by March 15 of the year the election should start, or any time the year before. Every shareholder signs it, and you mail or fax it to Kansas City or Ogden depending on your state.

QUICK FACTS

- **Due.** March 15 for calendar-year companies, or any time in the year before
- **Signed by.** Every shareholder signs the consent statement
- **Late?** Rev. Proc. 2013-30 relief within 3 years and 75 days

What is Form 2553?

Form 2553, Election by a Small Business Corporation, tells the IRS you want your company taxed as an S corporation. Profit then passes through to the owners' personal returns, and owners who work in the business take a reasonable salary through payroll. The rest of the profit comes out as distributions without self-employment tax, which is where the savings come from.

An LLC can file Form 2553 directly. Filing it counts as choosing to be taxed as a corporation first, so you don't need a separate Form 8832.

Who can file Form 2553?

Your company has to meet every one of these:

- It's a domestic corporation, or an LLC eligible to be taxed as one
- It has no more than 100 shareholders
- It has only one class of stock (different voting rights are fine, different economic rights are not)
- Every shareholder is an individual, an estate or certain trusts. Partnerships, corporations and non-resident aliens can't own S-Corp shares

General information, not tax advice for your situation.

When is Form 2553 due?

For the election to start in a given tax year, file it no more than 2 months and 15 days after that year begins. For a calendar-year company that's March 15. You can also file it any time during the year before. A new company counts from the date it first has shareholders, assets or starts doing business, whichever comes first.

IF YOU WANT S-CORP STATUS FROM	FILE FORM 2553
January 1, 2027	Any time in 2026, or by March 15, 2027
A new company formed June 1, 2026	By August 15, 2026

How do I fill it out?

1. **Part I:** company name, address, EIN, the date the election starts and your tax year. Most small businesses use the calendar year.
2. **Column K:** each shareholder signs and dates the consent and lists their shares and ownership date. Spouses in community property states both sign.
3. **Part II:** only if you want a fiscal year instead of the calendar year.
4. **Part III and IV:** for qualified subchapter S trusts and late elections.

An officer signs at the bottom. Keep a copy of everything you send.

Where do I mail or fax Form 2553?

IF YOUR PRINCIPAL BUSINESS IS IN	MAIL TO	FAX
CT, DE, DC, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI	Department of the Treasury, Internal Revenue Service, Kansas City, MO 64999	855-887-7734
AL, AK, AZ, AR, CA, CO, FL, HI, ID, IA, KS, LA, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WY	Department of the Treasury, Internal Revenue Service, Ogden, UT 84201	855-214-7520

Use certified mail or keep the fax confirmation. The IRS confirms an accepted election with a notice, usually a CP261, often 60 days or more later.

What if I missed the deadline?

Rev. Proc. 2013-30 gives relief if you file within 3 years and 75 days of the date you wanted the election to start, had reasonable cause for being late, and filed every return as if you were already an S-Corp (or no returns were due yet). Write "FILED PURSUANT TO REV. PROC. 2013-30" at the top and attach a short explanation. Our S-Corp vs LLC guide and S-Corp calculator help you decide if it's worth filing at all.

General information, not tax advice for your situation.

Common questions

Can an LLC file Form 2553?

Yes. An eligible LLC files Form 2553 directly, and that also counts as electing to be taxed as a corporation. No Form 8832 is needed.

Can I e-file Form 2553?

Most companies mail or fax it. Keep the fax confirmation or certified mail receipt as proof of the date you filed.

How do I know the IRS accepted my S-Corp election?

The IRS sends an acceptance notice, usually a CP261. If you haven't heard back in about 90 days, call the IRS business line to check.

What happens if a shareholder didn't sign?

The election isn't valid until every shareholder consents. Late consent can sometimes be fixed under IRS relief procedures, so fix it quickly.

Want a plan for this year?

We run your numbers and show you the options. Book a free 30-minute call at eminenttax.com/contact or call (972) 347-4590.

eminenttax.com

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