



# CT-6.1

(7/08)

New York State Department of Taxation and Finance

## Termination of Election to be Treated As a New York S Corporation

Employer identification number		<i>For office use only</i>	
<b>Mailing address</b>	Legal name of corporation		<i>Date received</i>
	DBA or trade name (if any)		
	Mailing name (if different from legal name)		
	C/o		
	Number and street or PO box		
City		State	ZIP code
Business telephone number ( )		Effective date of termination (see instructions)	

The corporation is terminating its election to be treated as a New York S corporation under section 660(c) of the New York State Tax Law for the following reason (mark an X in the appropriate box):

- 1 **Termination of federal S election**
- 2 **Revocation of election** by shareholders owning more than 50% of the shares of stock of the corporation
- 3 **New shareholder refusal**

If you marked box 2, all revoking shareholders must complete the *Shareholder individual affirmation*.

If you marked box 3, **only** the new shareholder must complete the *Shareholder individual affirmation*.

**Shareholder individual affirmation** - By signing below, the shareholder(s) of the above corporation revokes the election to be treated as an S corporation or, in the case of a new shareholder, refuses to consent to the election to be treated as an S corporation under Tax Law, Article 22, section 660(c). The shareholder(s) also certifies that the personal information given below is to the best of the shareholder's knowledge and belief true, correct, and complete.

See instructions if a continuation sheet or a separate consent statement is needed.

A Name and address of each revoking shareholder (include ZIP code)	B Social security number or employer identification number	C Stock owned		D Shareholder's signature (see instructions) For this termination of election to be valid, all revoking shareholders must signify consent by signing below.
		Number of shares	Date acquired	

**Certification:** I certify that this termination of election and any attachments are to the best of my knowledge and belief true, correct, and complete.

<b>Authorized person</b>	Signature of authorized person		Official title	
	E-mail address of authorized person			Date
<b>Paid preparer use only</b>	Firm's name (or yours if self-employed)		Telephone number ( )	ID number
	Signature of individual preparing this election		Address	City State ZIP code
	E-mail address of individual preparing this election			Date

See instructions for where to file.

## Instructions

### General information

A corporation that made the election to be treated as a New York S corporation on Form CT-6 must file Form CT-6.1 to terminate the election. Specifically, Form CT-6.1 is used to report:

- the termination of the corporation's taxation as a New York S corporation under the corporate tax law (Article 9-A or 32); and
- the termination of the shareholder's election to include his or her share of the New York S corporation's items of income, loss, and deductions under the personal income tax law (Article 22) or as unrelated business income for Article 13 taxpayers.

### When termination occurs

An election to treat the corporation as a New York S corporation will cease to be effective:

- on the day the federal election to be treated as an S corporation ceases; or
- where shareholders owning more than 50% of the shares of stock revoke the New York S election, on the date specified under *Revocation of election*; or
- on the day an individual who refuses to consent to the New York S corporation treatment becomes a new shareholder.

**Note:** When the termination date is other than the first day of a tax year, the corporation will be considered a New York S corporation from the first day of the tax year to the day immediately preceding the termination day and a New York C corporation from the termination day to the last day of the tax year.

**Note:** If an S corporation included in a combined group of S corporations terminates its New York S election, it is no longer eligible to remain in the combined group.

### Revocation of election

The revocation is effective:

- on the first day of the tax year, if Form CT-6.1 is filed on or before the fifteenth day of the third month of the tax year; or
- on the first day of the following tax year if Form CT-6.1 is filed after the fifteenth day of the third month of the tax year; or
- on the date specified, if Form CT-6.1 specifies a date on or after the date it is filed.

**Note:** In order for the revocation to be valid, the shareholders revoking the New York S election must own more than 50% of the shares of stock in the S corporation on the day the revocation is made.

### Specific instructions

**Entering dates** — Unless you are specifically directed to use a different format, enter dates in the *mm-dd-yy* format (using dashes and not slashes).

**Enter the legal name of the corporation** exactly as it appears in the records of the New York State Department of State.

**Enter the DBA or trade name** that appears on the *Certificate of Assumed Name* filed with the New York State Department of State.

**Continuation sheet or separate consent statement** — If you need a continuation sheet or use a separate consent statement, attach it to Form CT-6.1. The separate consent statement must contain the name, address, and employer identification number of the corporation and the shareholder information requested in columns A through D.

**Column A** — If this is a revocation, enter the name and address of each shareholder consenting to the revocation who owned shares of stock in the corporation at the time of revocation. If this is a new shareholder refusal, enter the name and address of the new shareholder.

**Column B** — Enter the social security number or employer identification number of each shareholder listed in column A.

**Column C** — Enter the number of shares of stock owned and the date the shares of stock were acquired by each shareholder listed in column A.

**Column D** — Each shareholder listed in column A must signify consent to the termination or revocation by signing their name in column D or by signing their name on a separate consent statement, as described in *Continuation sheet or separate consent statement*.

If a husband and wife have a community interest in the stock or the income from it, both must consent. Similarly, each tenant in common, joint tenant, or tenant by the entirety must also consent.

A minor's consent is made by the minor or the legal guardian. If no legal guardian has been appointed, the natural guardian makes the consent (even if a custodian holds the minor's stock under a law patterned after the Uniform Gifts to Minors Act).

An Article 13 shareholder's consent is made by an elected officer or other authorized person.

### Where to file

Mail Form CT-6.1 to: **NYS TAX DEPARTMENT  
CORPORATION TAX REGISTRATION  
W A HARRIMAN CAMPUS  
ALBANY NY 12227**

### Need help?



**Internet access:** [www.nystax.gov](http://www.nystax.gov)  
(for information, forms, and publications)



**Fax-on-demand forms:** Forms are available 24 hours a day, 7 days a week. 1 800 748-3676



**Telephone assistance** is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.

To order forms and publications: 1 800 462-8100

**Corporation Tax Information Center:** 1 888 698-2908

From areas outside the U.S. and outside Canada: (518) 485-6800



**Text Telephone (TTY) Hotline** (for persons with hearing and speech disabilities using a TTY): If you have access to a TTY, contact us at 1 800 634-2110. If you do not own a TTY, check with independent living centers or community action programs to find out where machines are available for public use.



**Persons with disabilities:** In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 972-1233.

#### Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of Records Management and Data Entry, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the United States and outside Canada, call (518) 485-6800.