



CT-6.1

(3/98)

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>	
Mailing Address	Legal name of corporation		<i>Date received</i>
	DBA or trade name <i>(if any)</i>		
	C/o Street or PO Box		
	City	State	
Business telephone number ()		Effective date of termination <i>(see instructions)</i>	

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:

Check 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 checked box 2, all revoking shareholders must complete the *Shareholder Individual Affirmation* below.
If you checked box 3, the new shareholder **only** must complete the *Shareholder Individual Affirmation* below.

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 on back*).

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

* See instructions for column D if a continuation sheet or a separate consent statement is needed.

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

Signature of elected officer or authorized person		Official title		Date	
Paid Preparer Use Only	Firm's name <i>(or yours if self-employed)</i>			ID number	
	Address		Telephone number		Signature of individual preparing this election

Mail this form to: NYS TAX DEPARTMENT, CORPORATION TAX REGISTRATION, BUILDING 8 ROOM 425, W A HARRIMAN CAMPUS, ALBANY NY 12227

Instructions

General Information

If a corporation made the election to be treated as a New York S corporation on Form CT-6, then the corporation 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 shareholders' 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.

For additional details see the instructions for Form CT-6.

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* below; 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

Enter the taxpayer's name exactly as it appears in the records of the New York State Department of State.

Enter the business name that appears on the Trade Name Certificate filed with the New York State Department of State.

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 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 below.

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.

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. If you wish, you may combine all the shareholders' consents in one statement.

Where to File

Mail Form CT-6.1 to: NYS TAX DEPARTMENT, CORPORATION TAX REGISTRATION, BUILDING 8 ROOM 425, W A HARRIMAN CAMPUS, ALBANY NY 12227.

Privacy Notification

The right of the Commissioner of Taxation and Finance and the Department of Taxation and Finance to collect and maintain personal information, including mandatory disclosure of social security numbers in the manner required by tax regulations, instructions and forms, is found in Articles 8, 9, 9-A, 13, 19, 27, 32, 33 and 33-A of the Tax Law and 42 USC 405(c)(2)(C)(i).

The Tax Department will use this information primarily to determine and administer corporate tax liabilities under the Tax Law, for certain tax refund offsets, and for any other purpose authorized by law.

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

This information will be maintained by the Director of the Registration and Data Services Bureau, NYS Tax Department, Building 8 Room 905, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the U.S. and Canada, call (518) 485-6800.

Need Help?

Telephone Assistance is available from 8:30 a.m. to 4:25 p.m., Monday through Friday. **For business tax information and forms**, call the Business Tax Information Center at 1 800 972-1233. **For general information**, call toll free 1 800 225-5829. **To order forms and publications**, call toll free 1 800 462-8100. **From areas outside the U.S. and outside Canada**, call (518) 485-6800.

Fax-on-Demand Forms Ordering System - Most forms are available by fax 24 hours a day, 7 days a week. Call toll free from the U.S. and Canada 1 800 748-3676. You must use a Touch Tone phone to order by fax. A fax code is used to identify each form.

Internet Access - <http://www.tax.state.ny.us>
Access our website for forms, publications, and information.

Hotline for the Hearing and Speech Impaired - If you have access to a telecommunications device for the deaf (TDD), you can get answers to your New York State tax questions by calling toll free from the U.S. and Canada 1 800 634-2110. Assistance is available from 8:30 a.m. to 4:15 p.m., Monday through Friday. If you do not own a TDD, 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 the information numbers listed above.

Mailing Address - If you need to write, address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, W A Harriman Campus, Albany NY 12227.