

Form IL-941 Information and Instructions

Who must file Form IL-941?

You must file Form IL-941 if you paid amounts subject to Illinois withholding income tax (either required or by voluntary agreement), such as:

- Wages and other employee compensation including bonus, overtime, and commission pay, usually reported to the recipient on a Form W-2.
- Non-wage income such as pensions, annuities, unemployment income, and sick pay that you have agreed to voluntarily withhold, usually reported to a recipient on a Form 1099.
- Gambling and lottery winnings (paid by the entity issuing the winnings such as the Illinois Lottery or a casino), usually reported to a recipient on a Form W-2G.
- Amounts paid to purchase rights to Illinois lottery winnings reported on a Form 1099-MISC.

Note: Form IL-941 is the **only** form used to report Illinois income tax withholding with the exception of household employee withholding, which can be reported on Form IL-1040, Individual Income Tax return. If you have household employees, see Publication 121, Illinois Income Tax Withholding for Household Employees.

For more information, see **Publication 130**, Who is Required to Withhold Illinois Income Tax.

You **must file** Form IL-941 **even if no tax was withheld** during the reporting period (e.g., employees who are seasonal workers). If you discontinue having Illinois employees, complete Step 2, Line B, for your final reporting period.

When is my IL-941 return due?

See the box to the right. Your IL-941 return will be due either quarterly or annually. **Unlike the federal government, Illinois does not require an annual reconciliation return.** See the "End of the Year Instructions," after the Step by Step Instructions section, for more information.

Important:

1. If you are an annual return filer, do not file quarterly IL-941 returns.
2. Do not file an annual return unless
 - you were previously filing annual returns and have not received notification that your filing status has changed or

- you have received notification from the Illinois Department of Revenue that you qualify to file annually and you have chosen to update your filing status on MyTax Illinois.
3. For annual filers — If you exceed \$12,000 in withholding during a quarter, you must begin to file your IL-941 **quarterly** for the following quarter, the remainder of the year, and the subsequent year.

| FILING / PAYMENT SCHEDULES | |
|----------------------------|--|
| If you are a(n): | You will be assigned to make either: |
| Annual Filer | <ul style="list-style-type: none"> • an annual payment, or • monthly payments |
| Quarterly Filer | <ul style="list-style-type: none"> • monthly payments, or • semi-weekly payments |

When are my IL-501 payments due?

There are three different payment schedules — **annually**, **monthly**, and **semi-weekly**. Your payment due dates are based on

1. the payment schedule **we** assign to you based on your liability, and
2. the day you pay your payees from whom tax is withheld.

The due dates are as follows:

- **Annual** payments are due with your IL-941 return by the end of January following the year the amounts were withheld. Few taxpayers are given the option of an annual payment schedule.

- **Monthly** payments are due by the 15th day of the month following the month in which the tax was withheld.
- **Semi-weekly** payments are due by **Wednesday** for amounts withheld on the preceding Wednesday, Thursday, or Friday, and by **Friday** for amounts withheld on the preceding Saturday, Sunday, Monday, or Tuesday.

If you are assigned to the semi-weekly payment schedule, you must make your withholding tax payments electronically.

Note: You will owe a **late-payment penalty** if you do not pay the tax you owe by each payment due date. We may ask you to provide payroll information electronically.

For more information, see Publication 131, Withholding Income Tax Payment and Filing Requirements.

How do I calculate how much my IL-501 payments should be?

The IL-501 payments you make should be the **exact amount you withheld from your payee minus any credits** you may have available. For example:

Example 1 (no credits)

Your January 1- January 15 payroll totaled \$15,000.00; you withheld Illinois income tax totaling \$600.00 from your employees' pay; and you have no available credits on your account. Your IL-501 payment should be \$600.00.

| | |
|-------------------------------|--------------------|
| Payroll total = | \$15,000.00 |
| IL withholding total = | \$600.00 |
| Credits = | \$ 0.00 |
| IL-501 payment = | \$600.00 |

When to File Form IL-941

Quarterly Filer

Your Form IL-941 is due by the last day of the month that follows the end of the quarter.

| The quarter includes... | Quarter ends | IL-941 is due |
|--------------------------------|--------------|---------------|
| 1. January, February, March | March 31 | April 30 |
| 2. April, May, June | June 30 | July 31 |
| 3. July, August, September | September 30 | October 31 |
| 4. October, November, December | December 31 | January 31 |

Annual Filer

Your Form IL-941 is due by the last day of the month that follows the end of the year. January-December is due on January 31.

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Example 2 (with credits)

Your January 1- January 15 payroll totaled \$15,000.00; you withheld Illinois income tax totaling \$600.00 from your employees' pay; and you received a DCEO credit of \$250.00 that was available for use. Your IL-501 payment should be \$350.00. See below.

| | |
|------------------------|-------------|
| Payroll total = | \$15,000.00 |
| IL withholding total = | \$600.00 |
| DCEO credits = | - \$250.00 |
| IL-501 payment = | \$350.00 |

Where do I report the amount of Illinois Income Tax I withheld from my employees' or others' pay?

You must report the amount of Illinois Income Tax you withheld on Line 2 of your IL-941 return. For example, you withheld Illinois income tax totaling \$600.00 from your employees' pay for your January payroll. You withheld Illinois income tax totaling \$525.00 from your employees' pay for the February payroll. You withheld Illinois income tax totaling \$600.00 from your employees' pay for the March payroll. On your 1st quarter IL-941, you would report \$1,725.00 on Line 2.

| | |
|--------------------------------------|------------|
| January withholding = | \$600.00 |
| February withholding = | \$525.00 |
| March withholding = | \$600.00 |
| 1st quarter Form IL-941, Line 2 = | \$1,725.00 |

What is an IDOR-approved credit?

An IDOR-approved credit is an overpayment from a previous period or that you have reported on an amended return you filed that has been verified by the Department. You must have written notification from us that a credit has been approved before you are able to claim it. After receiving written approval of a credit, you may claim it on Step 5, Line 4 of your Form IL-941. If you have not received approval from us or are uncertain if your credit has been approved, submit a request in writing to the following address asking for the credit to be verified.

**ILLINOIS DEPARTMENT OF
REVENUE
PO BOX 19004
SPRINGFIELD IL 62794-9004**

If you have filed an amended return, you must wait for the return to be processed. If a credit is created as a result of our processing your amended return, we will send written notification to you stating the amount of credit available.

How do I use my Department of Commerce and Economic Opportunity (DCEO) credits?

DCEO credits should be claimed on Line 5 of your IL-941 return. We receive notification from DCEO and apply credits when they become available. **Do not** claim these credits on your IL-941 return **until** they are available for use per your tax credit certificate or your certificate of verification that you received from DCEO.

There are two different types of DCEO credits for Illinois withholding income tax:

- **Illinois Small Business Job Creation Tax credit (ILSBJC)** - This credit is applied to the first liability due after the tax credit certificate is issued, and before any IL-501 payments you have made. The federal employer identification number (FEIN) you use on your Form IL-941 must match the FEIN on the tax credit certificate you receive from DCEO.
- **Economic Development for a Growing Economy withholding tax credit (EDGE)** - The EDGE credit is applied to the first liability of the tax year *following* the Certificate of Verification year and is also considered before any IL-501 payments. This credit is not common.

Please account for your credits when you plan your payments so that your account remains in balance. Even if you use a DCEO credit, you still need to report the total amount you withheld from your employees on Step 4, Line 2 of Form IL-941.

Your DCEO credits are applied to your tax liability before your payments. If you made payments that, added with your DCEO credit, resulted in you overpaying your tax, make sure to claim them on your Form IL-941, Step 5, Line 3, and include the overpayment on Step 6, Line 8. You will receive written notification from IDOR once the overpayment has been verified and approved as a credit that can be used for future withholding tax liabilities.

How can I file or pay electronically?

To file — You may use

- **MyTax Illinois** on our website at tax.illinois.gov or
- an IDOR-approved **Tax-Prep software program** (software you develop or purchase off-the-shelf) to file electronically.

To pay — You may use

- **MyTax Illinois**,
- an IDOR-approved **Tax-Prep software program, or**
- **ACH Credit payment option.**

MyTax Illinois is our online account filing and management program that is available to you, free of charge, to file, pay, and monitor your Illinois tax accounts.

For detailed information, go to our website at tax.illinois.gov.

Electronic mandates for Illinois withholding income tax:

- You must make withholding tax payments electronically if you are assigned to the semi-weekly payment schedule.
- If you are federally mandated to electronically file Forms W-2 and W-2-C, you are also required to electronically submit these forms to Illinois.

Do I figure my own penalties or interest?

We will bill you for penalties and interest, if applicable. For more information about penalties and interest, see Publication 103, Penalties and Interest for Illinois Taxes.

How do I correct a misapplied payment error I made to IDOR?

To correct a payment that was applied to an incorrect period, you must send a written request to us to have the payment moved. In your written request, please include your account number; the amount and date of the payment; what period it needs to be applied to and the reason for your request to move the payment. Also include a complete list of payment amounts and dates for the period to which you are moving it. Send the request to the address listed in the **"Where do I get help?"** section.

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What form do I use to report my employees' or payees' income and withholding at the end of the year?

You must report income and withholding on the correct withholding form type listed in the chart below. Refer to the IRS website for more information.

| Type of Income | Withholding Form Type |
|---|-----------------------|
| Payroll | W-2 |
| Compensation | W-2 or 1099 series |
| Gambling winnings | W-2G |
| Illinois Lottery Winnings | W-2G |
| Amount paid to purchase rights to Illinois Lottery Winnings | 1099-MISC |
| Voluntary Withholding Agreement — Unemployment, Retirement, Interest or Dividend Income | 1099 series |
| Other | 1099 series |

How do I correct an error if I over-withheld or under-withheld from a payee?

The method for correcting an error on withholding is determined by the time of year that the error is made. If you over-withheld or under-withheld prior to the end of the calendar year, you may simply correct it in future payroll cycles within the same calendar year by adjusting the amount you withhold by the amount of the over-withholding or under-withholding. Amounts reported on Form IL-941 always must be the exact amounts withheld from payees. If you do not make the correction before the end of the calendar year, you must report the amount actually withheld on the W-2 or 1099 forms for the payee to claim on his/her income tax return. Your employee or other individual from whom you withheld will either receive a refund of the over-withheld amount or have to pay the under-withheld amount on their Individual Income Tax Return.

Examples

- If you withheld too much from an employee during the 1st quarter, you may withhold less during the 2nd quarter to make up for the overage. On your Form IL-941, report the exact amount you withheld during the quarter.
- If you withheld too little from your employee during the January 15th payroll, you may withhold more during the February 15th payroll. On your Form IL-941, report the exact amount you withheld during the quarter.

How do I correct withholding that I have over-reported or under-reported?

You must always report the exact amount of tax that you actually withheld during the reporting period on your Form IL-941. If the amount you reported was more or less than the amount you actually withheld, then you must file an amended return (IL-941-X).

Where do I get help?

- Visit our website at tax.illinois.gov
- Call us at **1 800 732-8866** or **217 782-3336**
- Call our TDD (telecommunications device for the deaf) at **1 800 544-5304**
- Write to
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19044
SPRINGFIELD IL 62794-9044

Form IL-941 has a scanline for automated processing that contains your FEIN, the reporting period, and a check digit. Do not photocopy the form and use for any other FEIN or reporting period.

Step-by-Step Instructions

Follow the instructions on the form. Remember to complete each line using the total for the full reporting period. Do not file more than one Form IL-941 per reporting period.

Step 1: Provide your information

Enter your information and check any box that is applicable.

Note: Your sequence number should be "000" unless you have been assigned a different sequence number when you registered.

Reporting Period — Complete this section.

If you are

- a **quarterly filer**, check the correct quarter you are reporting (even if you have no withholding to report). File one return for each quarter. Do **not** file an annual return. **Note:** If you are filing your quarterly return because you are an annual filer and you met the \$12,000 threshold, report everything from the beginning of the year to the end of the quarter on the IL-941 return, and check the box for the quarter for which you are filing.
- an **annual filer**, check the annual box. Do **not** file quarterly returns.

Step 2: Tell us about your W-2 forms and your business

Complete this Step only if this is your 4th quarter return, annual return, or you have permanently stopped withholding and this is your final return.

Item A — Enter the **total number of W-2 forms** reporting Illinois withholding you were required to issue for the entire year.

Item B — Complete this line if applicable.

Step 3: Tell us about the amount subject to withholding

Line 1 — Enter the total of all amounts subject to Illinois withholding income tax (either required or by voluntary agreement) including payroll, compensation,

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Step-by-Step Instructions, continued

gambling winnings (such as Illinois Lottery winnings), amounts paid to purchase the rights to Illinois Lottery winnings, or any other non-wage income. **Do not leave blank** - if you had no amount subject to Illinois withholding, enter zero.

Step 4: Tell us about the amount withheld

Line 2 — Enter the total of all amounts of Illinois Income Tax actually withheld (either required or by voluntary agreement) this reporting period, even if you are able to use a DCEO or other credit to pay your withholding liability. **Do not estimate this amount.** This includes employee withholding and any withholding that was made on other Illinois income. **Do not leave blank** - if you did not withhold during this period, enter zero.

Step 5: Tell us about your payments and credits

Line 3 — Enter the total amount of withholding payments you have made during this period. This includes all IL-501 payments (electronic and paper coupons). **Do not leave blank.**

Line 4 — Enter the amount of IDOR-approved credit you are using toward your tax liability. **Do not include any amounts on this line unless you have received written confirmation from IDOR that those credits have been approved.** For more information, see the section, "What is an IDOR-approved credit?"

Line 5 — Enter the amount of credit you have received through the Department of Commerce and Economic Opportunity (DCEO). This credit is applied to your tax liability before your payments and other credits. You can claim the Small Business Job Creation Tax Credit or the EDGE Credit only if you received a tax credit certificate or a certificate of verification from DCEO. **Do not** attach the DCEO certificate. This credit can only be used to reduce your withholding income tax liability. A DCEO credit cannot result in a refund. However, if you have remaining credit, you can use it for future Illinois withholding income tax liabilities. See the worksheet at the top of the next column.

DCEO Credit Worksheet

| | | |
|---|--|-------|
| A | Total amount of DCEO credit available from certificate or left over from a previous return: | _____ |
| B | Enter Step 4, Line 2 from this IL-941. | _____ |
| C | Subtract Line B from Line A. If this is a negative number, enter zero. This is the amount of DCEO credit you have remaining to use on future Illinois withholding income tax liability. Keep this amount for future returns. | _____ |

Line 6 — Follow the instructions on the form. This is your total credits and payments.

Step 6: Figure the amount you owe or your credit

Line 7 — Follow the instructions on the form. This is your balance due.

Line 8 — If the total of your payments and credits on Line 6 is greater than your withholding amount on Line 2, review your amounts. You should only show an overpayment on Line 8 if an error was made on the amount you paid or credit claimed on Line 6 or the tax you reported on Line 2. **The amount on Line 8 is not available for use on any future IL-941 return until you receive written notification from IDOR that the credit is approved.**

After your IL-941 return has been processed, if you have not received written notification from IDOR stating that the amount written on Step 6, Line 8 has been approved as a verified credit, file an IL-941-X, Amended Illinois Withholding Income Tax Return, including all necessary support, to request this amount be verified as a credit.

Step 7: Sign here

You must sign and date your return. If you do not sign your return, it will not be considered filed and you may be subject to a **nonfiler penalty**. If you want to allow the preparer listed in this step to discuss this return with us, check the box. This authorization will allow your preparer to answer any questions that arise during the processing of your return, call us with questions about your return, and receive or respond to notices we send. The authorization will automatically end no later than one year from the due date of this return. You may revoke the authorization at any time by calling or writing us.

End of the Year Instructions:

At the end of the year, you, as the withholding agent, are required to report the total amount you withheld from each payee on the appropriate form (W-2, W-2G, or 1099). To verify your records, compare the total withholding with the amount you reported on your Form IL-941s throughout the year by following these steps:

1. Add together the Illinois state withholding reported on each of the W-2s, W-2Gs, and/or 1099 forms you issued. Write the total amount here:

2. Add together the amounts from Step 4, Line 2 of each of the IL-941 returns you filed with us for 2015. Write the total here:

3. Compare the amounts on the two lines above. They should agree. If the amounts do not agree, review your records. If you made an error in the amount you reported to your employee or payee on the W-2, W-2G, or 1099 forms, you must provide them with the correct amount on a W-2c or a corrected W-2G or 1099 as required by the Internal Revenue Service. If your W-2s and 1099 forms are correct, you need to file an **IL-941-X, Amended Illinois Withholding Income Tax Return.**

The amount you withheld should always agree with the amount you report to us.