Earned Income Tax Credit

Informational Paper 3

Wisconsin Legislative Fiscal Bureau
January, 2015

Earned Income Tax Credit

Prepared by

Rick Olin

Wisconsin Legislative Fiscal Bureau
One East Main, Suite 301
Madison, WI 53703
http://legis.wisconsin.gov/lfb

Earned Income Tax Credit

Introduction

The earned income tax credit (EITC) is offered at both the federal and state levels as a means of providing assistance to lower-income workers. The credit provides a supplement to the wages and self-employment income of such families and is intended to offset the impact of the social security tax and increase the incentive to work.

The federal earned income tax credit has been provided since 1975. In tax years 1991 through 1993, supplemental credits were also provided for health insurance and children under the age of one. The supplemental credits were eliminated beginning in 1994 and the credit was extended to lower-income families without children as part of the federal Revenue Reconciliation Act of 1993. The credit was simplified under the federal Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), and the income phase-out ranges for married couples applying for the EITC were raised in comparison to the levels for other claimants. The American Recovery and Reinvestment Act of 2009 (ARRA) further increased the income phase-out ranges for married couples. Also, ARRA increased the maximum amount of the credit by adding an additional reimbursement level for taxpayers with three or more children. While ARRA limited both of these changes to tax years 2009 and 2010, the Tax Relief, Unemployment Compensation Reauthorization, and Job Creation Act of 2010 extended these changes to 2011 and 2012. The American Taxpayer Relief Act of 2012 extends the separate credit rate for claimants with three or more children through 2017. In addition, the Act extends the higher income phase-out ranges under ARRA through 2017, when the Act makes the higher income phase-out ranges under EGTRRA permanent.

A nonrefundable Wisconsin credit was first enacted in 1983 Wisconsin Act 27. The credit was set at 30% of the federal credit and was available only in 1984 and 1985, due to its repeal by 1985 Wisconsin Act 29, effective with the 1986 tax year. Three years later, 1989 Wisconsin Act 31 reinstated a refundable state earned income credit, and for tax years 1989 through 1993, the state credit was calculated as a percentage of the federal credit. Effective for tax year 1994, a separate, stand-alone state credit was established by 1993 Wisconsin Act 16, but 1995 Wisconsin Act 27 modified the credit to again be calculated as a percentage of the federal credit.

Both the federal and Wisconsin credits are refundable so individuals with little or no income tax liability may still receive the credit. In 2013, 22 other states and the District of Columbia offered an earned income credit that was calculated as a percentage of the federal credit. In Minnesota, the working family credit is limited to claimants who received the federal EITC, but the credit is based on the claimant's earned income or federal AGI, rather than a percentage of the federal credit. In addition to Wisconsin, 19 states and the District of Columbia offered a refundable EITC, including Maryland and Rhode Island where a nonrefundable credit is supplemented with an additional refundable credit for certain taxpayers. Four states (Delaware, Maine, Ohio, and Virginia) provided a nonrefundable credit. Both Colorado and Washington have enacted an EITC, but neither state has yet implemented its credit. Washington is the first state without a state individual income tax to authorize an EITC.

The remainder of this paper presents detailed descriptions and eligibility requirements of the federal and Wisconsin earned income credits, program expenditure data regarding the Wisconsin credit, and a discussion of policy considerations relating to the credit.

Federal Earned Income Tax Credit

Calculation of the Credit

The federal EITC is a refundable credit based on income and family size. In addition, the credit has been affected by filing status since 2002.

The EITC is generally based on earned income, although the credit can also be affected by adjusted gross income (AGI). For claimants whose only income is earned income, the EITC is calculated based on a percentage of earned income up to certain thresholds. The credit gradually increases until earned income reaches the first threshold amount, at which a claimant receives the maximum allowable credit. This income level is referred to as the maximum credit income.

Such claimants are eligible for the maximum credit over a range of income levels, starting at the maximum credit income and ending at a specified phase-out income. For such a claimant whose income exceeds the phase-out income, the credit is gradually reduced as follows: (a) a phase-out rate is applied to the amount by which income exceeds the phase-out income; and (b) the resulting figure is subtracted from the maximum credit to arrive at the allowable credit for a particular claimant. The level of income at which the credit is eliminated is referred to as the maximum income level.

If a claimant has unearned income in addition to earned income, the credit is initially calculated using only earned income, but the phase-out calculation is made using AGI or earned income, whichever is greater. The components of earned income are described below in the section on "Income Used in Determining the Credit."

The maximum credit income, phase-out income, and maximum income amounts are adjusted each year for changes in inflation, while the credit percentages and phase-out rates remain the same. The parameters for the federal EITC for tax year 2014 are shown in Table 1.

Table 1: 2014 Federal Credit Provisions*

	No Children	One Child	Two Children	3 or More Children
Credit Percentage	7.65%	34.00%	40.00%	45.00%
Maximum Credit Income	$6,480	$9,720	$13,650	$13,650
Maximum Credit	496	3,305	5,460	6,143
Phase-Out Income	8,110	17,830	17,830	17,830
Phase-Out Rate	7.65%	15.98%	21.06%	21.06%
Maximum Income	14,590	38,511	43,756	46,997

*For married-joint filers, the phase-out incomes and maximum income levels exceed those shown above by $5,430.

As shown in the footnote to Table 1, the phase-out income and maximum income amounts are higher for married-joint filers than for other filers. Prior to tax year 2002, filing status was not a factor in the EITC computation, but a higher phase-out income level for joint filers was established in order to reduce the marriage penalty experienced by married individuals. Initially set an additional $1,000 in 2002, the higher phase-out income level increased to $3,000 in 2008 under EGTRRA and was increased to $5,000 in 2009 under ARRA. Both increases were enacted on a temporary basis and were subject to indexing provisions prior to their scheduled sunset. However, the American Taxpayer Relief Act of 2012 extends the ARRA provisions through tax year 2017 and extends the EGTRRA provisions permanently. As a result, phase-out income levels for joint filers will be higher by $5,000 plus an indexing adjustment, compared to other filers, through 2017. For 2014, the phase-out level for joint filers is higher by $5,430. After 2017, the

Table 2: 2014 Federal Credit Amounts Single and Head-of-Household Filers

Earned Income*	No Children	One Child	Two Children	3 or More Children
$0	$0	$0	$0	$0
2,000	153	680	800	900
4,000	306	1,360	1,600	1,800
6,000	459	2,040	2,400	2,700
8,000	496	2,720	3,200	3,600
10,000	351	3,305	4,000	4,500
12,000	198	3,305	4,800	5,400
14,000	45	3,305	5,460	6,143
16,000	0	3,305	5,460	6,143
18,000	0	3,278	5,424	6,107
20,000	0	2,958	5,003	5,685
22,000	0	2,638	4,582	5,264
24,000	0	2,319	4,161	4,843
26,000	0	1,999	3,739	4,422
28,000	0	1,680	3,318	4,001
30,000	0	1,360	2,897	3,579
32,000	0	1,040	2,476	3,158
34,000	0	721	2,055	2,737
36,000	0	401	1,633	2,316
38,000	0	82	1,212	1,895
40,000	0	0	791	1,473
42,000	0	0	370	1,052
44,000	0	0	0	631
46,000	0	0	0	210
48,000	0	0	0	0

*For claimants other than married-joint filers, the credit is based on the greater of earned income or AGI beginning at $8,110 of income for claimants with no children and $17,830 of income for claimants with one or more children. The credit is eliminated at the following income levels: $14,590 for no children, $38,511 for one child, $43,756 for two children, and $46,997 for three or more children.

joint filer levels will be higher by $3,000 plus an indexing adjustment.

Table 2 shows the federal earned income tax credits for 2014 at various levels of income for filers who are single or heads-of-households (the credit is not available to married individuals filing separate returns). Table 3 shows similar information for married couples filing joint returns.

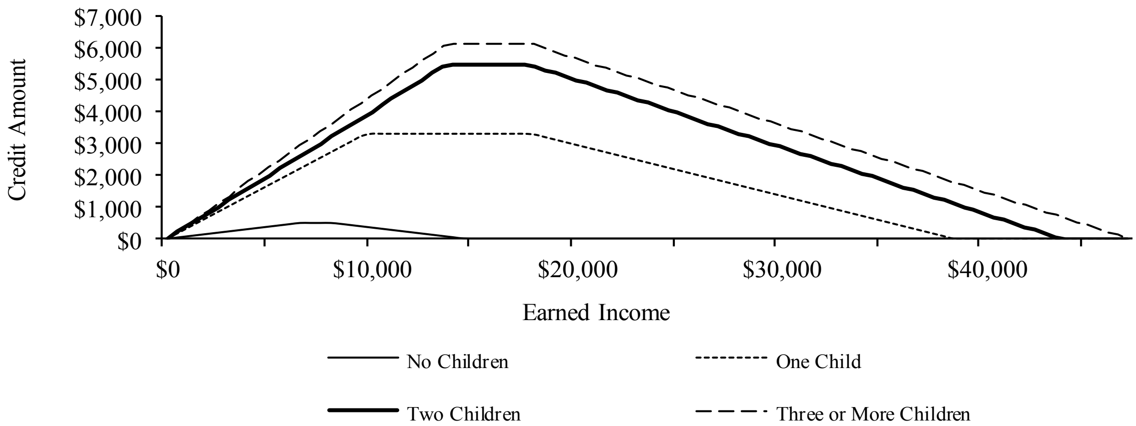
The credit for families with one child is calculated as 34% of earned income until income equals $9,720. If income is between $9,720 and $17,830 ($23,260 for joint filers), the maximum credit of $3,305 is provided. Once income exceeds $17,830 ($23,260 for joint filers), the credit is phased-out at a rate of 15.98% (the credit is reduced by 15.98¢ for every additional $1 in income) until it is eliminated when income exceeds $38,511 ($43,941 for joint filers). The same credit structure exists for the other family sizes. This pattern is illustrated in Figure 1, which shows the federal credit for 2014 for single and head-of-household claimants. The pattern for married-

Table 3: 2014 Federal Credit Amounts Married-Joint Filers

Earned Income*	No Children	One Child	Two Children	3 or More Children
$0	$0	$0	$0	$0
2,000	153	680	800	900
4,000	306	1,360	1,600	1,800
6,000	459	2,040	2,400	2,700
8,000	496	2,720	3,200	3,600
10,000	496	3,305	4,000	4,500
12,000	496	3,305	4,800	5,400
14,000	461	3,305	5,460	6,143
16,000	308	3,305	5,460	6,143
18,000	155	3,305	5,460	6,143
20,000	2	3,305	5,460	6,143
22,000	0	3,305	5,460	6,143
24,000	0	3,187	5,304	5,987
26,000	0	2,867	4,883	5,565
28,000	0	2,547	4,462	5,144
30,000	0	2,228	4,041	4,723
32,000	0	1,908	3,619	4,302
34,000	0	1,589	3,198	3,881
36,000	0	1,269	2,777	3,459
38,000	0	949	2,356	3,038
40,000	0	630	1,935	2,617
42,000	0	310	1,513	2,196
44,000	0	0	1,092	1,775
46,000	0	0	671	1,353
48,000	0	0	250	932
50,000	0	0	0	511
52,000	0	0	0	90
54,000	0	0	0	0

*For married-joint filers, the credit is based on the greater of earned income or AGI beginning at $13,540 of income for claimants with no children and $23,260 of income for claimants with one or more children. The credit is eliminated at the following income levels: $20,020 for no children, $43,941 for one child, $49,186 for two children, and $52,427 for three or more children.

Figure 1: 2014 Federal Earned Income Tax Credit (Single and Head -of-Household)



joint filers would be identical to that shown in Figure 1. However, the income levels at which the credit would begin to be phased out and at which the credit would be completely phased out would exceed those shown in Figure 1 by $5,430.

Income Used in Determining the Credit

Components of Earned Income. The following types of income are included in earned income for purposes of the EITC: wages; salaries; tips; and other forms of taxable employee compensation (which include net earnings from self-employment, strike benefits, long-term disability benefits received before retirement from an employer-provided plan, and income received as a statutory employee). In addition, since tax year 2004, a taxpayer could choose to either include in, or exclude from, earned income combat pay that is excluded from gross income.

The definition of earned income excludes interest, dividends, social security and railroad retirement benefits, pensions and annuities, welfare benefits, alimony, child support, nontaxable foster care payments, unemployment compensation, veterans' benefits, workers' compensation, certain scholarship or fellowship grants, and income of nonresident aliens not connected with U.S. business.

Earned income also excludes amounts received for services from prison inmates while in prison and amounts received for service performed in work activities and from certain community service programs under the federal temporary assistance for needy families (TANF) program. Participants in the Wisconsin Works (W-2) program who are in unsubsidized employment and subsidized jobs are paid a wage, which is counted as earned income under the EITC. In contrast, the W-2 program also provides cash grants to community service job and transitional placement participants, which are not considered earned income under the credit.

Prior to 2002, earned income had included the following nontaxable items in addition to the components of earned income under current law: voluntary salary deferrals, mandatory contributions to a state or local retirement plan, nontaxable combat zone compensation and military allowances, meals and lodging provided by an employer, housing allowances or rental value of parsonage for the clergy, employer-provided dependent care and adoption benefits, and educational assistance benefits. EGTRRA provided that these items are excluded from earned income. However, the Working Families Tax Relief Act of 2004 provided that a claimant of the EITC could choose to either include in, or exclude from, earned income combat pay that is excluded from gross income for tax purposes. Initially, this provision applied for taxable years ending after October 4, 2004, and before January 1, 2006, but the federal Heroes Earnings Assistance and Relief Act has extended the treatment to apply permanently.

AGI Measure. If a claimant's income exceeds the phase-out income amount, then the greater of AGI or earned income is used to calculate the credit. Prior to 2002, if a claimant's income exceeded the phase-out income level, then the credit amount was based on the greater of earned income and a modified AGI measure.

The modified AGI figure used under prior law required adding back the following amounts to AGI: (a) net capital losses if greater than zero; (b) net losses from trusts and estates; (c) net losses from nonbusiness rents and royalties; (d) 75% (50% before 1998) of net losses from business (unless the loss was from the performance of services as an employee); and (e) tax-exempt interest and nontaxable distributions from pensions, annuities, and IRAs (beginning in 1998).

The current use of AGI rather than modified AGI is the same method that was in place prior to 1996.

Disqualified Income. Beginning with tax year 1996, the credit is denied to individuals having disqualified income in excess of a certain limit. The disqualified income limit is $3,350 for 2014 and is adjusted each year for inflation. Disqualified income is defined as taxable and nontaxable interest income, dividends, net income from nonbusiness rents and royalties, capital gain net income, and net passive income (if greater than zero) that is not self-employment income.

In a ruling issued on November 23, 1998, the Internal Revenue Service (IRS) announced that gains realized on the sale of property used in a trade or business are not counted as investment income. Prior to the ruling, a number of individuals were unable to claim the EITC due to the limitation on disqualified income, particularly farmers who had income from the sale of livestock.

Non-Financial Criteria

In order to claim the federal EITC, an individual must either have a qualifying child or meet the following requirements: (a) not be the dependent or a qualifying child of another taxpayer; (b) be at least 25 years old and not more than 65 before the end of the tax year; and (c) have resided in the U.S. for more than half of the year. A qualifying child must meet all of the following conditions:

1. Relationship. A qualifying "child," for purposes of the EITC, may be a natural or adopted child, stepchild, sibling, or stepsibling of the claimant, or a descendant of any of these. In addition, a qualifying child may be the claimant's eligible foster child.

Prior to 2002, it was required that the child be the natural child, adopted child, grandchild, stepchild, or eligible foster child of the claimant. Brothers, sisters, nieces, and nephews could qualify as eligible foster children. Effective with 2002, brothers and sisters, including step- and half-siblings, along with their descendants are grouped as qualifying children rather than as eligible foster children.

2. Age. At the end of the year, the child must be: (a) under 19 years old; (b) a full-time student under the age of 24; or (c) any age and totally and permanently disabled. Unless the child is totally and permanently disabled, the child must be younger than the claimant.

3. Residence. The child must have lived with the claimant in the United States for more

than six months during the year (prior to 2002, for the entire year if a foster child). A child who is born or dies during the year qualifies if the child lived with the claimant in the claimant's home during the entire part of the year the child was alive.

A qualifying child may not be used by more than one person to claim the EITC.

Required Returns

In order to receive the federal credit, claimants must file an income tax return (whether or not they would otherwise be required to file) and a separate earned income credit schedule that provides information on qualifying children. Individuals must provide the name and age of each child and the child's social security number.

Advance Payment

Between 1979 and 2010, eligible credit recipients were permitted to receive the federal credit in advance, in their paychecks, rather than receiving the credit as a refund when they filed their federal tax return in the following year. Beginning in 2010, 2009 Wisconsin Act 28 permitted credit recipients to also receive their state credit in advance. However, the federal Education, Jobs, and Medicaid Assistance Act of 2010 eliminated advance receipt of the federal credit, as of January 1, 2011. Because state law sets advance payments of the state credit as a percentage of the advance payments of the federal credit, repeal of the federal advance payments effectively eliminated advance payments of state credits. The following material describes federal advance payment provisions prior to the repeal.

Employees with qualifying children who expect to qualify for the EITC could elect to receive payment of the federal credit in advance with their regular pay by filing a form with their employer (employees without children were not eligible for advance payment). Advance payment was made by the employer, based on tables provided by the IRS, out of the employee's withheld income tax and the social security payroll taxes of the employee and employer that would otherwise be remitted to the federal government. At the end of the year, the advance payments were reported on the employee's W-2 wage statement and entered as a tax due amount on the employee's income tax return. The full credit was then calculated without consideration of the advance payments. If the credit exceeded the advance payments, a refund was provided to the taxpayer. If the advance payments exceeded the credit, the claimant had to repay the difference.

Advance payment of the credit was limited to 60% of the maximum credit available to a claimant with one qualifying child. Due to the limitation, the maximum advance payment for tax year 2010 was $1,830 (60% of $3,050), or approximately $152 per month, regardless of family size. This provision was intended to prevent recipients of advance payments from incurring a large tax liability at the end of the year if their income had increased and they no longer qualified for the credit. The IRS was directed to notify eligible taxpayers of the advance payment provisions and employers were required to notify their employees about the availability of advance payments of the credit.

Historical data regarding the federal earned income credit is presented in Appendix 1.

State Earned Income Tax Credit

The state earned income tax credit is calculated as a percentage of the federal credit and is claimed on Wisconsin's individual income tax form. The credit is similar to the federal EITC in that it varies by income and family size.

Appendix 2 outlines the history of the state earned income tax credit.

Table 4 shows the state credit percentages and maximum credit amounts for 2014. The percentages shown in the table have been in effect since tax year 2011 when 2011 Act 32 reduced the percentages for claimants with two children from 14% to 11% and for claimants with three or more children from 43% to 34%. The percentage for claimants with one child was not changed.

Table 4: 2014 State Credit Provisions

	One Child	Two Children	3 or More Children
Percentage of Federal Credit	4%	11%	34%
Maximum State Credit	$132	$601	$2,088

Prior to 2011, the percentages for all three types of claimants had not changed since 1996. Even when there is no change in the credit percentages, the maximum credit amounts change each year as the federal credit structure changes due to indexing for inflation and federal law changes. Families without children and part-year residents are not eligible for the state EITC.

The 2014 state credits for claimants at various income levels are outlined in Tables 5 and 6. Table 5 shows the state credits by income level for single and head-of-household claimants, while Table 6 shows the credits by income levels for married-joint filers.

The family size adjustment is significantly greater at the state level than under federal law. The maximum state credit for families with three or more children is nearly 16 times the maximum one-child credit and the maximum credit for two children is more than four times the one-child credit. At the federal level, the maximum credits for two children and for three or more children are both less than two times the maximum one-child credit.

Table 5: 2014 State Credit Amounts Single and Head-of-Household Filers

Earned Income	One Child	Two Children	3 or More Children
$0	$0	$0	$0
2,000	27	88	306
4,000	54	176	612
6,000	82	264	918
8,000	109	352	1,224
10,000	132	440	1,530
12,000	132	528	1,836
14,000	132	601	2,088
16,000	132	601	2,088
18,000	131	597	2,076
20,000	118	550	1,933
22,000	106	504	1,790
24,000	93	458	1,647
26,000	80	411	1,503
28,000	67	365	1,360
30,000	54	319	1,217
32,000	42	272	1,074
34,000	29	226	931
36,000	16	180	787
38,000	3	133	644
40,000	0	87	501
42,000	0	41	358
44,000	0	0	215
46,000	0	0	71
48,000	0	0	0

Because the state credit is calculated as a percentage of the federal credit, the state earned income credit exhibits the same pattern as that seen for the federal credit. For families with one child, the credit increases until income reaches $9,720, the credit levels off at the maximum amount ($132) until income reaches $17,830 ($23,260 for joint filers) and then decreases until it reaches zero at income of $38,511 or more ($43,941 or more for joint filers).

These characteristics are depicted in Figure 2, which shows the state EITC for 2014 for claimants other than married-joint filers. The pattern for married-joint filers would be identical to that shown in Figure 2, except that the phase-out income and maximum income levels would exceed those shown in Figure 2 by $5,430.

Table 6: 2014 State Credit Amounts Married-Joint Filers

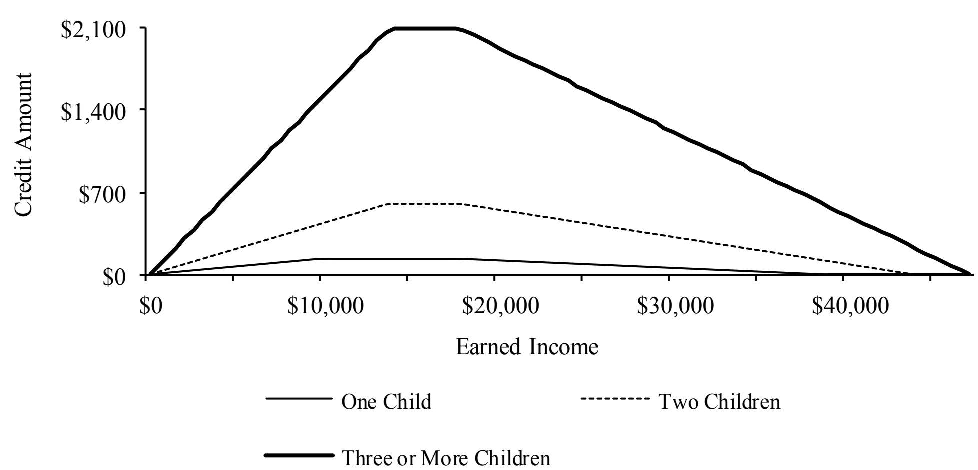
Earned Income	One Child	Two Children	3 or More Children
$0	$0	$0	$0
2,000	27	88	306
4,000	54	176	612
6,000	82	264	918
8,000	109	352	1,224
10,000	132	440	1,530
12,000	132	528	1,836
14,000	132	601	2,088
16,000	132	601	2,088
18,000	132	601	2,088
20,000	132	601	2,088
22,000	132	601	2,088
24,000	127	583	2,035
26,000	115	537	1,892
28,000	102	491	1,749
30,000	89	444	1,606
32,000	76	398	1,463
34,000	64	352	1,319
36,000	51	305	1,176
38,000	38	259	1,033
40,000	25	213	890
42,000	12	166	747
44,000	0	120	603
46,000	0	74	460
48,000	0	27	317
50,000	0	0	174
52,000	0	0	31
54,000	0	0	0

Wisconsin Program Expenditures

The state earned income tax credit is currently paid from two sources: (a) a sum sufficient, general purpose revenue (GPR) appropriation; and (b) federal funding from the temporary assistance for needy families (TANF) program.

TANF funding was first used to cover a portion of the cost of the EITC in the 1998-99 fiscal year, when it became clear that federal regulations permitted the use of TANF funds for this purpose. According to federal regulations for the TANF program, TANF funding may be used to cover the share of the EITC that is refunded to the claimant (rather than used to reduce the claimant's income tax liability). However, TANF funds may not be used to provide the credit to certain legal immigrants. Based on the federal requirements and on past experience with refundable credits, and allowing for amounts paid to legal immigrants, it was previously estimated that about 80% of EITC costs could be paid with TANF funds. As the EITC income thresholds have increased due to indexing and law changes, the percent of EITC costs that can be paid with TANF funds has been re-estimated at 60%. Table 7 reports the EITC funding mix by fiscal year. It

Figure 2: 2014 State Earned Income Tax Credit (Single and Head-of-Household)



reveals that the share of the credit funded by TANF decreased in each of the five years after 2003-04, but has increased in each of the five years since 2008-09. This volatility over the 11-year period reflects changes in policies used to balance the state's general fund budget.

Table 7 also shows that between 2003-04 and 2013-14, total EITC payments increased 42.2% although total payments declined in three of the last four years. The 2.3% reduction in 2010-11 probably reflects the national economic downturn, while the 18.1% decrease in 2011-12 is largely due to the Act 32 reductions in the state's credit percentages. Payment increases occurred in eight of the 11 preceding years, ranging from lows of 1.5% in 2003-04 to a high of 31.8% in 2009-10. Federal law changes contributed to the increase in 2009-10. Those law changes, effective with tax year 2009, included increasing the phase-out thresholds for married-joint filers, thereby increasing the range of income over which claimants were eligible for the EITC, and creating a third tier at the federal level for families with three or more children. Even though Wisconsin already offered a credit for those families, any expansion of the federal credit automatically increases state tax credit payments because the state credit is set as a percentage of the federal credit.

Table 7: Historical Wisconsin EITC Expenditures ($ in Millions)

Fiscal Year	GPR	TANF	Total	% Change	% TANF
2003-04	$15.1	$57.9	$73.0	1.5%	79.3%
2004-05	18.0	59.5	77.5	6.2	76.8
2005-06	28.8	53.2	82.0	5.8	64.9
2006-07	59.9	25.2	85.1	3.8	29.6
2007-08	71.5	21.1	92.6	8.8	22.8
2008-09	91.3	6.7	98.0	5.8	6.8
2009-10	103.3	25.9	129.2	31.8	20.0
2010-11	82.5	43.7	126.2	-2.3	34.6
2011-12	59.6	43.7	103.3	-18.1	42.3
2012-13	57.5	43.7	101.2	-2.0	43.2
2013-14	41.3	62.5	103.8	2.6	60.2

Table 8: Historical Wisconsin EITC Claimants

Tax Year	Count	% Change	Amount (Millions)	% Change	Average	% Change
2003	214,164	1.7%	$69.8	1.2%	$326	-0.6%
2004	216,707	1.2	73.5	5.3	339	4.1
2005	223,518	3.1	78.8	7.2	353	3.9
2006	227,497	1.8	83.2	5.6	366	3.7
2007	236,691	4.0	89.5	7.6	378	3.4
2008	243,131	2.7	95.8	7.0	394	4.2
2009	273,939	12.7	127.9	33.5	467	18.5
2010	268,612	-1.9	124.0	-3.0	462	-1.1
2011	268,171	-0.2	100.9	-18.6	376	-18.5
2012	264,830	-1.2	99.6	-1.3	376	-0.1
2013	264,660	-0.1	102.2	2.7	386	2.7

The effect of these factors is also illustrated in Table 8, but by tax year. The table reports the number of EITC claimants, total credit amounts, and the average EITC since 2003.

Table 9 presents the distribution of the state earned income credit for tax year 2013 by Wisconsin adjusted gross income. The table shows 264,660 families claimed $102.2 million under the state earned income tax credit in 2013. Just over half of the total credit for 2013 was received by households with income above $20,000; 50.8% of the total benefit went to the 54.1% of claimants in this range of income. Claimants with AGI under $10,000 received 11.3% of the benefit and made up 17.7% of the credit recipients, while the remaining 37.9% of the benefit was received by the 28.2% of claimants with AGI of $10,000 to $20,000.

Table 10 shows the distribution of the 2013 state credits by number of children. The table illustrates how the state credit is targeted to families with three or more children. These households made up 18.7% of the claimants, but received 59.7% of the program's benefits in 2013. In contrast, families with one qualifying child accounted for 50.0% of the claimants, but received 11.1% of the benefits. The average credit was $86 for claimants with one child, $360

Table 9: State Earned Income Tax Credit in 2013 by Adjusted Gross Income

Adjusted Gross Income Amount	Count	Percent of Count	Credit Amount	Percent of Amount	Average Credit
Under $5,000	17,940	6.8%	$3,217,100	3.1%	$179
5,000-10,000	28,890	10.9	8,416,410	8.2	291
10,000-15,000	36,680	13.8	17,929,560	17.6	489
15,000-20,000	38,070	14.4	20,773,230	20.3	546
20,000-25,000	37,500	14.2	18,366,710	18.0	490
25,000 or more	105,580	39.9	33,472,550	32.8	317
Total	264,660	100.0%	$102,175,560	100.0%	$386

Source: 2013 Individual Income Tax Aggregate Data

Table 10: State Earned Income Tax Credit in 2013 by Number of Children

Number of Children	Count	Percent of Count	Credit Amount	Percent of Amount	Average Credit
One	132,380	50.0%	$11,387,420	11.1%	$86
Two	82,800	31.3	29,810,050	29.2	360
Three or more	49,480	18.7	60,978,090	59.7	1,232
Total	264,660	100.0%	$102,175,560	100.0%	$386

Source: 2013 Individual Income Tax Aggregate Data

for two children, and $1,232 for three or more children.

The total credit amounts shown in Tables 8, 9, and 10 differ from the amount in Table 7 because Tables 8, 9, and 10 reflect tax year aggregate data and Table 7 shows fiscal year data.

Policy Considerations

Prior to 1975, assistance to the poor was directed primarily to those who did not have income from work--the elderly, the disabled, and children in families with an absent parent. The earned income credit provides assistance to the working poor through a refundable tax credit that acts as a wage supplement.

At the federal level, the earned income tax credit was originally established as a "work bonus" and was rationalized, in part, as a means of offsetting the impact of the social security tax on low-income families. An additional goal was to increase the incentive to work for such families and lessen the inequities between the working poor and recipients of other categorical aid programs such as aid to families with dependent children (now TANF). Further, by reducing the tax burden of low-income persons, the progressivity of the income tax structure was increased.

In the last half of the 1990s, revisions were made to the federal credit in an attempt to ensure that the credit was directed to lower-income families. Starting with tax year 1996, the disqualified income test was instituted, as was the modification to AGI for purposes of calculating the credit in the phase-out range of income. Effective with the 1998 tax year, the definition of earned income was expanded to include tax-exempt interest and nontaxable distributions from pensions, annuities, and IRAs. However, as described in this paper under "Income Used in Determining the Credit," the modifications to AGI for purposes of calculating the credit and the inclusion of nontaxable income as earned income have been eliminated in order to simplify the credit calculation.

At the state level, the earned income credit provides income tax relief to low-income families in a manner that is less costly than increasing the standard deduction or personal exemptions--provisions that could provide a benefit to taxpayers at higher income levels. Also, because it is refundable, the state credit can be viewed as an offset to state and local sales and property taxes. As noted, the state credit incorporates a proportionately greater family size adjustment than the federal provisions.

Other methods to assist the working poor include education and job training, increases in the minimum wage, subsidized child care for low-income workers, and direct grants. The earned income credit is believed to possess several advantages over these programs. First, funding is targeted directly to those in need of assistance. In addition, administrative efficiency is achieved through the use of the existing income tax system. Finally, the credit's association with the tax system may lessen any stigma associated with traditional welfare-type grant programs.

However, there are a number of criticisms of the earned income credit. First, it is argued that appropriate job training and greater employment opportunities are more important factors in promoting the employment of low-income individuals. In addition, the federal and state credits do not directly account for other wealth of the claimant or non-taxed income. Further, higher benefit amounts require a greater phase-out rate in order to exclude higher-income families from eligibility. This results in a higher effective marginal tax rate on recipients within the phase-out income range and may provide a disincentive to earn additional income from wages or self-employment.

It is also argued that the credit may discourage marriage in certain situations. For example, two unmarried individuals might each qualify for the credit if their incomes were considered separately yet not qualify if their incomes were combined on a joint tax return. As noted, the phase-out ranges for joint filers have been increased over those for single individuals, which reduces, but does not eliminate, this aspect of the marriage penalty. However, this adjustment is scheduled to be reduced after tax year 2017.

Another aspect of the marriage penalty is the way in which the size of the EITC varies with the number of dependent children. Except for the temporary increase authorized for 2009 through 2017, the federal EITC has not increased when a filer has more than two dependent children, so a marriage that creates a family with more than two children may have resulted in a lower EITC than if the individuals had remained unmarried. (The same would be true with the state EITC if a combined family resulted in more than three dependent children).

Inappropriately claimed credits have also posed a problem for the federal credit. In order to address noncompliance, federal law now requires claimants to provide social security numbers for themselves and their children when filing for the credit. This is intended to reduce fraudulent claims by individuals who do not have qualifying children and individuals who are not authorized to work in the U.S. Also, the IRS imposes "due diligence" requirements on paid preparers who fill out EITC claims, and preparers failing to meet those requirements are subject to penalties.

Measures to address inappropriately claimed credits have also been implemented at the state level. A provision enacted in 2013 Wisconsin Act

20 prohibits an individual who files a fraudulent claim for an earned income tax credit from filing for an EITC claim for ten successive tax years and a person who files a reckless EITC claim from applying for the credit for two successive tax years. The provision defines "fraudulent claim" as a claim that is false or excessive and filed with fraudulent intent and "reckless claim" as a claim that is improper due to reckless or intentional disregard of the provisions related to the credit in state statutes, rules, and regulations. The statutes grant the Department of Revenue (DOR) the authority to determine what is fraudulent or reckless. The prohibition from filing an EITC claim begins with the tax year beginning immediately after the year for which DOR determines that an individual has filed the fraudulent or reckless claim. After the period for which a person has been prohibited from filing for an EITC claim expires, an individual filing an EITC claim is subject to any requirements that DOR may impose to demonstrate eligibility for the credit. In addition to the EITC, this provision applies to all other refundable tax credits offered by the state. In tax year 2013, DOR determined that 27 EITC claims with credits totaling $9,847 were reckless and four EITC claims with credits totaling $4,670 were fraudulent.

APPENDIX 1

Federal Earned Income Tax Credit History

A. Tax Years 1975 Through 1990	1975-1978	1979-1984	1985-1986	1987	1988	1989	1990
Credit Percentage	10.00%	10.00%	11.00%	14.00%	14.00%	14.00%	14.00%
Maximum Credit Income	$4,000	$5,000	$5,000	$6,075	$6,225	$6,500	$6,810
Maximum Credit	400	500	550	851	874	910	953
Phase-Out Income Threshold	4,000	6,000	6,500	6,925	9,850	10,250	10,730
Maximum Income	8,000	10,000	11,000	15,432	18,576	19,340	20,264
Phase-Out Rate	10.00%	12.50%	12.22%	10.00%	10.00%	10.00%	10.00%

	1991				1992				1993			
	Basic Credit		Supplemental Credits		Basic Credit		Supplemental Credits		Basic Credit		Supplemental Credits	
B. Tax Years 1991 Through 1993	One Child	2 or More Children	Young Child	Health Insurance	One Child	2 or More Children	Young Child	Health Insurance	One Child	2 or More Children	Young Child	Health Insurance
Credit Percentage	16.70%	17.30%	5.00%	6.00%	17.60%	18.40%	5.00%	6.00%	18.50%	19.50%	5.00%	6.00%
Maximum Credit Income	$7,140	$7,140	$7,140	$7,140	$7,520	$7,520	$7,520	$7,520	$7,750	$7,750	$7,750	$7,750
Maximum Credit	1,192	1,235	357	428	1,324	1,384	376	451	1,434	1,511	388	465
Phase-Out Income Threshold	11,250	11,250	11,250	11,250	11,840	11,840	11,840	11,840	12,200	12,200	12,200	12,200
Maximum Income	21,250	21,250	21,250	21,250	22,370	22,370	22,370	22,370	23,050	23,050	23,050	23,050
Phase-Out Rate	11.93%	12.36%	3.57%	4.29%	12.57%	13.14%	3.57%	4.29%	13.22%	13.93%	3.58%	4.29%

APPENDIX 1 (continued)

Federal Earned Income Tax Credit History

C. Tax Years 1994 Through 2008	No Children	One Child	2 or More Children	No Children	One Child	2 or More Children	No Children	One Child	2 or More Children
		1994			1995			1996	
Credit Percentage	7.65%	26.30%	30.00%	7.65%	34.00%	36.00%	7.65%	34.00%	40.00%
Maximum Credit Income	$4,000	$7,750	$8,425	$4,100	$6,160	$8,640	$4,220	$6,330	$8,890
Maximum Credit	306	2,038	2,528	314	2,094	3,110	323	2,152	3,556
Phase-Out Income Threshold	5,000	11,000	11,000	5,135	11,290	11,290	5,280	11,610	11,610
Maximum Income	9,000	23,760	25,300	9,230	24,396	26,673	9,500	25,078	28,495
Phase-Out Rate	7.65%	15.98%	17.68	7.65%	15.98%	20.22%	7.65%	15.98%	21.06%
		1997			1998			1999	
Credit Percentage	7.65%	34.00%	40.00%	7.65%	34.00%	40.00%	7.65%	34.00%	40.00%
Maximum Credit Income	$4,340	$6,510	$9,140	$4,460	$6,680	$9,390	$4,530	$6,800	$9,540
Maximum Credit	332	2,210	3,656	341	2,271	3,756	347	2,312	3,816
Phase-Out Income Threshold	5,430	11,930	11,930	5,570	12,260	12,260	5,670	12,460	12,460
Maximum Income	9,770	25,760	29,290	10,030	26,473	30,095	10,200	26,928	30,580
Phase-Out Rate	7.65%	15.98%	21.06	7.65%	15.98%	21.06%	7.65%	15.98%	21.06%
		2000			2001			2002*	
Credit Percentage	7.65%	34.00%	40.00%	7.65%	34.00%	40.00%	7.65%	34.00%	40.00%
Maximum Credit Income	$4,610	$6,920	$9,720	$4,760	$7,140	$10,020	$4,910	$7,370	$10,350
Maximum Credit	353	2,353	3,888	364	2,428	4,008	376	2,506	4,140
Phase-Out Income Threshold	5,770	12,690	12,690	5,950	13,090	13,090	6,150	13,520	13,520
Maximum Income	10,380	27,413	31,152	10,710	28,281	32,121	11,060	29,201	33,178
Phase-Out Rate	7.65%	15.98%	21.06%	7.65%	15.98%	21.06%	7.65%	15.98%	21.06%
		2003*			2004*			2005*	
Credit Percentage	7.65%	34.00%	40.00%	7.65%	34.00%	40.00%	7.65%	34.00%	40.00%
Maximum Credit Income	$4,990	$7,490	$10,510	$5,100	$7,660	$10,750	$5,220	$7,830	$11,000
Maximum Credit	382	2,547	4,204	390	2,604	4,300	399	2,662	4,400
Phase-Out Income Threshold	6,240	13,730	13,730	6,390	14,040	14,040	6,530	14,370	14,370
Maximum Income	11,230	29,666	33,692	11,490	30,338	34,458	11,750	31,030	35,263
Phase-Out Rate	7.65%	15.98%	21.06%	7.65%	15.98%	21.06%	7.65%	15.98%	21.06%
		2006*			2007*			2008*	
Credit Percentage	7.65%	34.00%	40.00%	7.65%	34.00%	40.00%	7.65%	34.00%	40.00%
Maximum Credit Income	$5,380	$8,080	$11,340	$5,590	$8,390	$11,790	$5,720	$8,580	$12,060
Maximum Credit	412	2,747	4,536	428	2,853	4,716	438	2,917	4,824
Phase-Out Income Threshold	6,740	14,810	14,810	7,000	15,390	15,390	7,160	15,740	15,740
Maximum Income	12,120	32,001	36,348	12,590	33,241	37,783	12,880	33,995	38,646
Phase-Out Rate	7.65%	15.98%	21.06%	7.65%	15.98%	21.06%	7.65%	15.98%	21.06%

D. Tax Years 2009 Through 2014	No Children	One Child	Two Children	3 or More Children	No Children	One Child	Two Children	3 or More Children
	2009*				2010*			
Credit Percentage	7.65%	34.00%	40.00%	45.00%	7.65%	34.00%	40.00%	45.00%
Maximum Credit Income	$5,970	$8,950	$12,570	$12,570	$5,980	$8,970	$12,590	$12,590
Maximum Credit	457	3,043	5,028	5,657	457	3,050	5,036	5,666
Phase-Out Income Threshold	7,470	16,420	16,420	16,420	7,480	16,450	16,450	16,450
Maximum Income	13,440	35,463	40,295	43,279	13,460	35,535	40,363	43,352
Phase-Out Rate	7.65%	15.98%	21.06%	21.06%	7.65%	15.98%	21.06%	21.06%
	2011*				2012*			
Credit Percentage	7.65%	34.00%	40.00%	45.00%	7.65%	34.00%	40.00%	45.00%
Maximum Credit Income	$6,070	$9,100	$12,780	$12,780	$6,210	$9,320	$13,090	$13,090
Maximum Credit	464	3,094	5,112	5,751	475	3,169	5,236	5,891
Phase-Out Income Threshold	7,590	16,690	16,690	16,690	7,770	17,090	17,090	17,090
Maximum Income	13,660	36,052	40,964	43,998	13,980	36,920	41,952	45,060
Phase-Out Rate	7.65%	15.98%	21.06%	21.06%	7.65%	15.98%	21.06%	21.06%
	2013*				2014*			
Credit Percentage	7.65%	34.00%	40.00%	45.00%	7.65%	34.00%	40.00%	45.00%
Maximum Credit Income	$6,370	$9,560	$13,430	$13,430	$6,480	$9,720	$13,650	$13,650
Maximum Credit	487	3,250	5,372	6,044	496	3,305	5,460	6,143
Phase-Out Income Threshold	7,970	17,530	17,530	17,530	8,110	17,830	17,830	17,830
Maximum Income	14,340	37,870	43,038	46,227	14,590	38,511	43,756	46,997
Phase-Out Rate	7.65%	15.98%	21.06%	21.06%	7.65%	15.98%	21.06%	21.06%

* For married-joint filers, the phase-out income thresholds and maximum income levels exceed those shown above by $1,000 from 2002 through 2005, $2,000 for 2006 and 2007, $3,000 for 2008, $5,000 for 2009, $5,010 for 2010, $5,080 for 2011, $5,210 for 2012, $5,340 for 2013, and $5,430 for 2014.

APPENDIX 2

State Earned Income Tax Credit History
Tax Years 1984-2014*

	1984	1985	1986-88	1989	1990	1991	1992	1993	1995	1996	1997	1998	1999	2000
Percentage of Federal Credit														
One Child	30%	30%	None	5%	5%	5%	5%	5%	4%	4%	4%	4%	4%	4%
Two Children	30%	30%	None	25%	25%	25%	25%	25%	16%	14%	14%	14%	14%	14%
Three or More Children	30%	30%	None	75%	75%	75%	75%	75%	50%	43%	43%	43%	43%	43%
Maximum State Credit														
One Child	$150	$165	None	$46	$48	$60	$66	$72	$84	$86	$88	$91	$92	$94
Two Children	150	165	None	228	238	309	346	378	498	498	512	526	534	544
Three or More Children	150	165	None	683	715	926	1,038	1,133	1,555	1,529	1,572	1,615	1,641	1,672
Refundable	No	No	None	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Percentage of Federal Credit														
One Child	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%
Two Children	14%	14%	14%	14%	14%	14%	14%	14%	14%	14%	11%	11%	11%	11%
Three or More Children	43%	43%	43%	43%	43%	43%	43%	43%	43%	43%	34%	34%	34%	34%
Maximum State Credit														
One Child	$97	$100	$102	$104	$106	$110	$114	$117	$122	$122	$124	$127	$130	$132
Two Children	561	580	589	602	616	635	660	675	704	705	562	576	591	601
Three or More Children	1,723	1,780	1,808	1,849	1,892	1,950	2,028	2,074	2,432	2,436	1,955	2,003	2,055	2,088
Refundable	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Tax Year 1994*

	One Child	Two Children	3 or More Children
Credit Percentage	1.15%	6.25%	18.75%
Maximum Credit Income	$7,980	$7,980	$7,980
Maximum Credit	92	499	1,496
Phase-Out Income Threshold	12,570	12,570	12,570
Maximum Income	23,740	23,740	23,740
Phase-Out Rate	0.82%	4.47%	13.40%
Refundable	Yes	Yes	Yes

*The credit for tax years 1984 through 1993 and tax years 1995 and after is calculated as a percentage of the federal credit. In 1994, a stand-alone state credit was provided.