

**WISCONSIN DEPARTMENT OF REVENUE  
DIVISION OF INCOME, SALES, AND EXCISE TAX**

**NOTICE OF PROPOSED GUIDANCE DOCUMENTS**

Pursuant to sec. 227.112, Wis. Stats., the Wisconsin Department of Revenue, Division of Income, Sales, and Excise Taxes hereby seeks comment on the proposed guidance document listed in the table below.

**SUBMITTING PUBLIC COMMENTS**

Public comments on proposed or adopted guidance documents may be submitted online at: <https://www.revenue.wi.gov/Pages/contactUs/proposed-Guidance.aspx>.

**DEADLINE FOR SUBMISSION**

The period for public comment for proposed guidance documents ends 21 days after publication in the Administrative Register, unless the Governor approves a shorter commenting period.

<b>Document Number</b>	<b>Document Title</b>
<b>FS1114</b>	Earned Income Credit - Fact Sheet

**Wisconsin Earned Income Credit  
Fact Sheet 1114**

[revenue.wi.gov](http://revenue.wi.gov)

This is a proposed guidance document. The document has been submitted to the Legislative Reference Bureau for publication in the Administrative Register for public comment as provided by [sec. 227.112\(1\), Wis. Stats.](#)

The Wisconsin earned income credit is a special tax benefit for certain working individuals and families with at least one qualifying child. The earned income credit is refundable. This means that even workers who did not earn enough wages to have Wisconsin taxes withheld can receive the credit.

This fact sheet provides a general overview of the qualifications for claiming the credit, the credit computation, and the pre-refund review process. Nothing in this fact sheet replaces or changes any provisions of Wisconsin tax law, administrative rules, or court decisions.

**Qualifications**

To qualify for the Wisconsin earned income credit, you must meet all of the following requirements:

- You qualify for the federal earned income credit.
- You have at least one qualifying child. The federal definition of a "qualifying child" applies for Wisconsin purposes.
- You are a legal resident of Wisconsin all year.
- You file a joint return for the year, or as "head of household" if you are married.

**Note:** If you were married as of December 31, 2019, see the instructions for your federal return to determine if you qualify to file as head of household.

Additional information concerning the federal earned income credit is available from federal [Publication 596, Earned Income Credit \(EIC\)](#).

**Credit Computation**

The Wisconsin earned income credit is computed on the Wisconsin income tax return (Form 1 or 1NPR). It is based on a percentage of the federal earned income credit:

Number of Qualifying Children	Percentage of Federal Credit
0	No credit available
1	4%
2	11%
3 or more	34%

## Pre-Refund Review

Each tax season, the Department of Revenue (DOR) conducts a pre-refund review of selected returns where the Wisconsin earned income credit is claimed. Based on more than 15 years of experience, DOR selects only those returns on which errors may be likely.

As part of the pre-refund review process, additional information may be requested. All of the information requested is necessary to complete the review of the Wisconsin earned income credit claimed. If none or only part of the information is provided, we may:

- (1) Deny your claim, or
- (2) Send another request for the missing information.

As a result of another request for missing information, there will be additional delays in issuing a refund.

## Additional Information or Comments

- Visit the department's [website](#) for electronic versions of all Wisconsin tax forms and publications
- Email your questions or comments to [DORIncome@wisconsin.gov](mailto:DORIncome@wisconsin.gov)
- Contact our Customer Service Bureau at (608) 266-2486

### Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of January 31, 2020: Section 71.07 (9e), Wis. Stats.

Laws enacted and in effect after January 31, 2020, new administrative rules, and court decisions may change the interpretations in this document. Guidance issued prior to January 31, 2020, that is contrary to the information in this document is superseded by this document, pursuant to sec. 73.16(2)(a), Wis. Stats.

### Certification Statement

As the Secretary of the Wisconsin Department of Revenue (DOR), I have reviewed this guidance document or proposed guidance document and I certify that it complies with secs. 227.10 and 227.11, Wis. Stats.. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

DEPARTMENT OF REVENUE

  
Peter Barca

Secretary of Revenue

*Last updated January 31, 2020*