

**Alabama Requirements For Mandatory E-File Of
Original Partnership/Limited Liability Company
Income Tax Returns.**

(1) Scope - This rule explains the electronic filing mandate requirements and exclusions for both an income tax return preparer and the Partnership/Limited Liability Company.

(2) Definitions.

(a) Income tax return preparer - a person, firm or company who meet one of the following:

1. Any person who prepares an Alabama corporate/partnership income tax return in exchange for compensation.

2. Any person who employs another person to prepare, in exchange for compensation, any current year Alabama corporate/partnership income tax return.

3. Any accounting firm or company who employs a person or group of people who prepare, in exchange for compensation, any current year Alabama corporate/partnership income tax return.

(3) Income Tax Return Preparer Mandate.

(a) If an income tax return preparer prepares 10 or more acceptable, original corporate/partnership income tax returns using tax preparation software in a calendar year, then for that calendar year and for each subsequent calendar year thereafter, all acceptable corporate/partnership income tax returns prepared by that income tax preparer must be filed using electronic technology, as defined in the "Electronic Tax Return Filing Act," as codified in Chapter 30 of Title 40, Code of Ala. 1975.

(b) Paragraph (3a) of this rule, applies to acceptable corporate/partnership income tax returns required to be filed for taxable years beginning on and after January 1, 2009.

(c) Paragraph (3a) shall cease to apply to an income tax preparer if, during that calendar year and all subsequent years, the income tax preparer prepared no more than 5 original corporate/partnership income tax returns.

(d) Paragraph (3a) of this rule, may not be interpreted to require electronic filing of acceptable corporate/partnership

income tax returns that are required to be filed on or before January 1, 2009.

(4) Partnership/Limited Liability Company Mandate.

(a) Corporations with assets of \$5 million or more, or partnerships with 50 or more partners at the end of the corporation/partnership's taxable year are mandated to e-file Alabama corporate/partnership income tax returns, for that calendar year and all subsequent tax years.

(5) Compliance with the E-File Mandate.

(a) An income tax return preparer may be subject to a random monitoring visit for not electronically filing returns.

(b) If it is shown that failure to electronically file corporate/partnership income tax returns is due to willful neglect and no prior approval from the Department has been obtained to paper file, then that tax preparer's acceptance in the Alabama Business MeF Program shall be revoked. The tax preparer will be unable to electronically transmit corporate/partnership income tax returns to the Department.

(6) Exclusions from the E-file Mandate.

(a) If an entity is exempt from filing the federal 1065 as stated in the IRS publication 4164 for the tax year of the Alabama return being filed, then they are exempt from the Alabama e-file mandate.

(b) Opting to paper file the federal 1065 does not exclude an income tax preparer or partnership/limited liability company from the Alabama e-file mandate. To be in compliance with the Alabama e-file mandate, an accepted current tax year federal return must be transmitted electronically with the mandated electronic Alabama return.

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Statutory Authority: Code of Ala. 1975, §§40-2A-7(a) (5); 40-18-40, 40-30-1 through 6.

History: New Rule: Filed January 28, 2010, effective March 4, 2010. **Amended:** Filed January 17, 2013; effective February 21, 2013. **Repealed and New Rule:** Filed November 10, 2015; effective December 15, 2015. **Amended:** Filed February 13, 2018; effective March 30, 2018. **Amended:** Published November 26, 2025; effective January 10, 2026.