



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE

300A Outlet Pointe Blvd., Columbia, South Carolina 29210
P.O. Box 125, Columbia, South Carolina 29214-0575

SC INFORMATION LETTER #22-8

SUBJECT: Emancipation Day Holiday – Impact on Filing Deadlines, Payments, and Claims for Refund (Income Tax)

DATE: April 12, 2022

MODIFIES: SC Revenue Ruling #13-1

AUTHORITY: S.C. Code Ann. Section 12-4-320 (2014)
S.C. Code Ann. Section 1-23-10(4) (2005)
SC Revenue Procedure #09-3

SCOPE: An Information Letter is a written statement issued to the public to announce general information useful in complying with the laws administered by the Department. An Information Letter has no precedential value.

Emancipation Day – Impact on Filing Deadlines and Payments

Overview of Emancipation Day Holiday in Washington, D.C. On April 16, 1862, President Abraham Lincoln signed the Compensated Emancipation Act to end slavery in the District of Columbia. In 2005, Emancipation Day was made a legal holiday on April 16 in the District of Columbia. If April 16 falls on a Saturday, Emancipation Day is observed on Friday, April 15. If April 16 falls on a Sunday, Emancipation Day is observed on Monday, April 17. As a result, in certain years this holiday will have implications for taxpayers with respect to the filing deadlines for all tax forms and payments required to be filed or completed on or before April 15. For calendar year 2022, Emancipation Day, April 16, falls on a Saturday, and it is therefore observed on Friday, April 15.

Internal Revenue Service Notice 2011-17 (see attached) advises of the effect of Emancipation Day on the federal filing deadline for income tax forms and payments required on April 15 (as described in IRC Section 6072(a)), including Form 1040, for taxpayers nationwide.

Federal Income Tax Return Due Date for Tax Year 2021 as a Result of “Emancipation Day” Holiday. For federal tax purposes, when April 15 falls on a Saturday, Sunday, or legal holiday (e.g., Emancipation Day), a return is considered timely filed if filed on the next succeeding day that is not a Saturday, Sunday, or legal holiday.

The IRS announced it extended the federal tax filing deadline for 2021 tax returns or extensions to file to Monday, April 18, 2022, for most taxpayers¹ due to the Emancipation Day holiday. Taxpayers requesting an automatic extension of time to file will have until Monday, October 17, 2022, to file their 2021 income tax returns. See IRS IR-2022-08, dated January 10, 2022.

South Carolina Income Tax Return Due Date for Tax Year 2021. Since the starting point of the South Carolina income tax is federal taxable income, the Department, pursuant to Code Section 12-60-40, has extended the 2021 income tax return and payment due date to April 18, 2022 to match the federal filing date change for Emancipation Day in Washington, D.C.²

As a result, taxpayers will have until April 18, 2022 to file South Carolina income tax returns (e.g., individual, C corporation, trust returns) for tax year 2021, make timely elections, and pay income taxes due. This also includes quarterly estimated payments originally due on April 15, 2022.

Extension of Time to File South Carolina Return. Individuals and businesses who need additional time to file their 2021 South Carolina income tax return beyond the April 18, 2022 deadline can request a 6-month extension of time to file until October 17, 2022, by filing the appropriate South Carolina extension (i.e., SC Form 4868, 1120-T, or 8736) on or before April 18, 2022. Alternatively, if a taxpayer files a timely federal extension, this will automatically extend the time to file the South Carolina 2021 income tax return to Monday, October 17, 2022. See SC Revenue Procedure #17-1, “Return Due Dates and Extensions of Time to File – Revised Dates,” for additional procedural guidance on filing extensions of time.

Relief with Respect to a Claim for Refund for Certain 2018 Tax Returns. Code Section 12-54-85 provides the time periods within which to file a claim for refund and the limits on a refund or credit amount for fees and taxes administered and collected by the Department. Code Section 12-54-85(F)(1) through (5) sets forth two general limitation rules for a claim for refund. The first rule (Rule 1) is a “time” limitation for filing a claim for refund.³ The second rule (Rule 2) is a limitation on the “amount” of refund.⁴ Even though a refund claim is timely filed (Rule 1), the amount of refund may be limited based on when the claim is filed (Rule 2), i.e., if the refund claim is filed within three years after filing the return, the refund cannot be more than the part of the tax paid within the three years before the claim was filed (plus the length of any extension of time for filing the return).

To avoid the Rule 2 limitation for a timely filed calendar year income tax return for 2018, a claim for refund must be filed by Monday, April 18, 2022, if the time for filing was not extended, or by Monday, October 17, 2022, if the time for filing was extended.

See SC Revenue Ruling #13-1, “General Rules for Limitations on Filing a Claim for Refund,” for additional guidance and examples on the general time limitations and exceptions.

¹The due date to file the federal 2021 tax return or request an extension and pay tax owed for those who live in Massachusetts or Maine is April 19, 2022 due to the Patriots’ Day holiday, a legal holiday only in those states.

²Code Section 12-60-40 provides, in part, the Department may extend the time limitations provided by this title.

³Code Section 12-54-85(F)(1).

⁴Code Sections 12-54-85(F)(2) and (F)(3).

Part III - Administrative, Procedural, and Miscellaneous

Effect of Emancipation Day on Filing and Payment Deadlines

Notice 2011-17

Purpose

This notice advises of the effect of Emancipation Day, a legal holiday in the District of Columbia, on the filing deadline for all tax forms and payments required to be filed or completed on or before April 15, including the Form 1040 series tax returns.

Background

Section 6072(a) of the Internal Revenue Code imposes a deadline of April 15 for filing income tax returns. When April 15 falls on a Saturday, Sunday, or legal holiday, a return is considered timely filed if filed on the next succeeding day that is not a Saturday, Sunday, or legal holiday. I.R.C. § 7503. Legal holiday means a legal holiday in the District of Columbia. *Id.*

Under District of Columbia law, Emancipation Day, April 16, is a legal holiday. D.C. Code § 28-2701 (2010). When April 16 falls on a Saturday, the preceding day is the observed holiday, and when it falls on a Sunday, the succeeding day is the observed holiday. *Id.* Because Emancipation Day is a legal holiday in the District of Columbia, in certain years it will have implications for taxpayers nationwide with respect to the filing deadlines for all tax forms and payments required to be filed or completed on or before April 15, including the Form 1040 series tax returns.

Effect of Emancipation Day on Filing Deadlines

For taxpayers nationwide, when Emancipation Day, April 16, falls on a:

- Saturday: Friday, April 15 is the observed date and the filing deadline for all tax forms and payments required to be filed or completed on or before April 15, is Monday, April 18.
- Sunday: Monday, April 17 is the observed date and the filing deadline for all tax forms and payments required to be filed or completed on or before April 15, is Tuesday, April 18.
- Monday: Monday, April 16 is the holiday and the filing deadline for all forms and payments required to be filed or completed on or before April 15, is Tuesday, April 17.

For example, in 2011, Emancipation Day falls on a Saturday, meaning that it will be observed on Friday, April 15, 2011. The filing deadline for all tax forms and payments required to be filed or completed on or before April 15 (as described in Section 6072(a), including the Form 1040 series of returns) will be Monday, April 18, 2011. The IRS will widely publicize the rule in this Notice in affected years to remind the public that the filing deadline is extended.

Drafting Information

The principal author of this notice is Channpreet Singh of the Office of Associate Chief Counsel (Procedure & Administration). For further information regarding this notice, contact Procedure & Administration, Branches 6 & 7, at (202) 622-4570 (not a toll-free call).