

## 2023 Employee Withholding Exemption Certificate

**For information or help, call one of the numbers listed:**

Phoenix (602) 255-3381  
From area codes 520 and 928, toll-free (800) 352-4090

**Tax forms, instructions, and other tax information**

If you need tax forms, instructions, and other tax information, go to the department's website at [www.azdor.gov](http://www.azdor.gov).

**Withholding Tax Procedures and Rulings**

These instructions may refer to the department's withholding tax procedures and rulings for more information. To view or print these, go to our website and select *Reports & Legal Research* from the main menu, then click on *Legal Research* and select a Document Type and a Category from the drop down menus.

**Publications**

To view or print the department's publications, go to our website, select *Reports & Legal Research* from the main menu, and click on *Publications* in the left hand column.

### Why is Form WEC Used?

Your employer must withhold Arizona income tax from your wages that you earn while working in Arizona. Arizona income tax must be withheld unless your wages are exempt from withholding.

Wages paid to certain people are exempt from Arizona income tax withholding. People who are earning these types of wages use Form WEC to let their employer know to not withhold.

### Who May Use Form WEC?

You may use Form WEC if you are a:

- Qualified Native American;
- Qualified Military Spouse;
- Qualified Arizona Nonresident.

**NOTE:** Do not use Form WEC to make a zero withholding election. You must make this election on Form A-4.

#### Native Americans

If you are a Native American, your wages are exempt from Arizona withholding if you:

1. Live on the reservation;
2. Work on that reservation;  
AND
3. Are an affiliated and enrolled member of the tribe for which that reservation was established.

Any wages earned off the reservation for work done in Arizona are subject to Arizona withholding.

For more details see the department's ruling, ITR 96-4, *Income Taxation of Indians and Spouses*.

#### Military Spouses

The federal Military Spouses Residency Relief Act provides tax relief for qualifying spouses. Under this Act, wages earned in Arizona by a qualifying spouse are not deemed to be income for work done in Arizona. Those wages are exempt from Arizona withholding.

If you are married to an active duty military member and you earn wages in Arizona, those wages are exempt from Arizona withholding if:

1. Your spouse is a member of the armed forces and is in Arizona in compliance with military orders;
2. You are in Arizona solely to be with your spouse;  
AND
3. You maintain a domicile in another state, which is the same state that is the domicile of your spouse.

For more details, see the department's publication, Pub. 705, *Spouses of Active Duty Military Members*.

#### Nonresidents

If you are a nonresident working in Arizona, you may claim an exemption from Arizona income tax withholding if you are:

1. A resident of one of the following states:  
California, Indiana, Oregon, or Virginia;  
AND
2. Allowed to claim a tax credit against your Arizona tax for taxes paid to your state of residence on Form 140NR filed for the year.

For more details about how to claim this tax credit, see Arizona Form 309, *Credit for Taxes Paid to Another State or Country*.

### When Should I Complete Form WEC?

You should complete Form WEC as soon as you qualify for the exemption. Give the completed Form WEC to your employer.

To keep your exemption from year to year, you must file a new Form WEC at the beginning of each calendar year. You must also provide required documentation with each annual Form WEC.

### Will I Have to File an Arizona Income Tax Return if I am Exempt from Arizona Withholding?

Even though your wages may be exempt from Arizona tax withholding, you may still have to file an Arizona income tax return.

#### Native Americans

If you have any wages or other income earned off the reservation you may be subject to Arizona income tax on that income. If you are subject to Arizona income tax and you meet the Arizona filing requirements, you will need to file an Arizona income tax return.

For more details, see the department's income tax ruling ITR 96-4, *Income Taxation of Indians and Spouses*.

#### Military Spouses

If you or your spouse have any other income subject to Arizona income tax and you meet the Arizona filing requirements, you will need to file an Arizona income tax return. See Arizona Form 140NR for more details.

**Nonresidents**

You will have to file Arizona Form 140NR if you meet the Arizona filing requirements. For complete details, see Arizona Form 140NR.

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**Part 1 - Native American Withholding Exemption**


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Complete Part 1 if you are claiming the exemption because you are a qualifying Native American. Skip Parts 2, 3 and 4.

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**Part 2 - Nonresident Military Spouse Withholding Exemption**


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Complete Part 2 if you are claiming the exemption because you are a qualifying spouse of a military member. Skip Parts 1, 3 and 4.

You must give your employer a copy of your military spouse identification and your spouse's last Leave and Earnings Statement (LES).

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**Part 3 - Nonresident Withholding Exemption**


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Complete Part 3 if you are claiming the exemption because you are a qualifying nonresident. Skip Parts 1, 2 and 4.

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**Part 4 - Termination**


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If your situation changes and you no longer qualify for the withholding exemption, complete a new Form WEC to let your employer know.

Complete Part 4. Skip Parts 1, 2 and 3. Also, complete Arizona Form A-4 to elect a withholding percentage. Give both the completed Form WEC and Arizona Form A-4 to your employer so that your employer can start to withhold the proper amount of Arizona tax from your wages.

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**Part 5 - Signatures**


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**Employee**

You must sign the completed Form WEC to certify that you are entitled to the exemption you are claiming.

**Employer**

You must sign the completed Form WEC to certify that you:

1. Have looked at any required documents;
2. Confirm that the employee is working on the reservation named in Part 1, if the employee is claiming the exemption under Part 1.

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**Where to File Form WEC**


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**Employee**

Give the completed Form WEC to your employer. Be sure to keep a copy for your records.

**Employer**

Keep the completed Form WEC and any required attachments for your records. **Do not** send a copy of the completed Form WEC to the department. You will only need to provide a copy to the department if we request it.