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The relevance of a postmark

Question. I dropped a number of charitable contributions in the mail on December 31, 2025. Some of them were reported as 2025 contributions, but one (for $1,000) was reported as a 2026 contribution. I called the church and was told that this envelope was postmarked January 2, 2026. The rest of the envelopes were postmarked in 2025. The church treasurer informed me that because the postmark date (2026) was controlling, he had to include this as a 2026 contribution. Is this true? Is the check that is mailed in 2025 but postmarked in 2026 deductible in 2025?

Answer. Section 170 of the tax code states that "there shall be allowed as a deduction any charitable contribution payment of which is made within the taxable year." Section 1.170A-1 of the regulations states that "the unconditional delivery or mailing of a check which subsequently clears in due course will constitute an effective contribution on the date of delivery or mailing." Similarly, Publication 526 states that "a check that you mail to a charity is considered delivered on the date you mail it."

In none of this precedent is there a requirement that the check be postmarked as well as mailed in a particular year for a deduction to be available in that year. However, this is the position that is taken by most charities, including major universities, government agencies, the American Bar Association, and the Association of Fundraising Professionals. This practice is based on section 7502 of the tax code, which specifies:

If any return, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under authority of any provision of the internal revenue laws is, after such period or such date, delivered by United States mail to the agency, officer, or office with which such return, claim, statement, or other document is required to be filed, or to which such payment is required to be made, the date of the United States postmark stamped on the cover in which such return, claim, statement, or other document, or payment, is mailed shall be deemed to be the date of delivery or the date of payment, as the case may be.

This subsection shall apply only if—

(A) the postmark date falls within the prescribed period or on or before the prescribed date—(i) for the filing (including any extension granted for such filing) of the return, claim, statement, or other document, or (ii) for making the payment (including any extension granted for making such payment), and

(B) the return, claim, statement, or other document, or payment was, within the time prescribed in subparagraph (A), deposited in the mail in the United States in an envelope or other appropriate wrapper, postage prepaid, properly addressed to the agency, officer, or office with which the return, claim, statement, or other document is required to be filed, or to which such payment is required to be made.

In *McCaffery v. United States*, 2021 WL 3486662 (United States Court of Federal Claims (2021), the court noted that the taxpayers provided evidence other than a postmark to show the document was mailed on April 17, 2021. However, the court found it could not consider such evidence: "On the plain text of section 7502, the deemed delivery rule only applies if a postmark or equivalent marking was made: The date of the postmark is what matters, not the date of the mailing. I.R.C. § 7502(a)."