

Delaware LLC Formation Checklist

Complete formation checklist for **How to Start a Delaware LLC in 2026**

PRE-FORMATION — DECISIONS & REQUIREMENTS

Confirm these before filing anything with the state

<input type="checkbox"/>	Checklist Item
<input type="checkbox"/>	Decided to form a Delaware Limited Liability Company (LLC)
<input type="checkbox"/>	Identified all LLC members / owners
<input type="checkbox"/>	Agreed on ownership percentages among all members
<input type="checkbox"/>	Determined management structure (member-managed or manager-managed)

Notes / Date	
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STEP 1 · CHOOSE YOUR DELAWARE LLC NAME

Name must be unique and comply with Delaware Division of Corporations rules

<input type="checkbox"/>	Checklist Item
<input type="checkbox"/>	Name includes required designator: "LLC," "L.L.C.," or "Limited Liability Company"
<input type="checkbox"/>	Name is distinct from all existing Delaware business names
<input type="checkbox"/>	Name does not imply government affiliation (FBI, Federal, State, etc.)
<input type="checkbox"/>	Name does not include restricted words (Bank, Trust, Insurance) without approval
<input type="checkbox"/>	Name availability checked at the Delaware Division of Corporations
<input type="checkbox"/>	Trademark conflict check completed
<input type="checkbox"/>	Domain name availability confirmed
<input type="checkbox"/>	Name reserved (optional — \$75 fee for 120 days) if not filing immediately

Notes / Date	
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STEP 2 · APPOINT A DELAWARE REGISTERED AGENT

Required by Delaware law — agent must have a physical Delaware street address

<input type="checkbox"/>	Checklist Item
<input type="checkbox"/>	Identified a Delaware registered agent
<input type="checkbox"/>	Registered agent has a physical Delaware street address (P.O. box not accepted)
<input type="checkbox"/>	Registered agent is available during normal business hours (Mon–Fri)
<input type="checkbox"/>	Registered agent is either an individual Delaware resident or authorized business entity
<input type="checkbox"/>	Registered agent service agreement signed and fee paid
<input type="checkbox"/>	Registered agent address confirmed and ready for Certificate of Formation

Notes / Date

STEP 3 · FILE YOUR CERTIFICATE OF FORMATION

The founding legal document — state filing fee is \$90, processed online

<input type="checkbox"/>	Checklist Item
<input type="checkbox"/>	Certificate of Formation filed online at Delaware Division of Corporation
<input type="checkbox"/>	State filing fee of \$110 paid
<input type="checkbox"/>	Certificate of Formation received and approved by the state

Notes / Date

STEP 4 · DRAFT YOUR OPERATING AGREEMENT

Not legally required to file, but essential — banks and investors will expect it

<input type="checkbox"/>	Checklist Item
<input type="checkbox"/>	Operating Agreement drafted (not filed with the state — private document)
<input type="checkbox"/>	All members' names and ownership percentages documented
<input type="checkbox"/>	Management structure (member-managed or manager-managed) specified
<input type="checkbox"/>	Profit and loss distribution rules defined
<input type="checkbox"/>	Voting rights and decision-making procedures outlined
<input type="checkbox"/>	Member exit, buyout, and transfer procedures included
<input type="checkbox"/>	Dissolution procedure documented
<input type="checkbox"/>	All members have reviewed and signed the Operating Agreement
<input type="checkbox"/>	Signed copy stored securely and accessible to all members

Notes / Date	
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STEP 5 · OBTAIN YOUR FEDERAL EIN FROM THE IRS
Required for US bank accounts, hiring employees, and all federal tax filing

<input type="checkbox"/>	Checklist Item
<input type="checkbox"/>	US residents: Applied for EIN free at IRS
<input type="checkbox"/>	Non-US residents: IRS Form SS-4 completed and faxed or mailed to IRS
<input type="checkbox"/>	EIN confirmation letter received from the IRS

Notes / Date	
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STEP 6 · OPEN A US BUSINESS BANK ACCOUNT
Separate business finances from day one — essential for liability protection

<input type="checkbox"/>	Checklist Item
<input type="checkbox"/>	Certificate of Formation (certified copy) prepared for bank submission
<input type="checkbox"/>	EIN confirmation letter from the IRS obtained
<input type="checkbox"/>	Operating Agreement prepared for bank review
<input type="checkbox"/>	Government-issued photo ID prepared for all signatories
<input type="checkbox"/>	US business bank account opened (Chase, Bank of America, Wells Fargo, etc.)
<input type="checkbox"/>	OR remote-friendly fintech account opened (Mercury, Relay, or Wise Business)
<input type="checkbox"/>	Personal and business finances fully separated from day one

Notes / Date	
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STEP 7 · REGISTER FOR STATE TAXES (IF REQUIRED)
Only required if your LLC conducts business in Delaware or another state

<input type="checkbox"/>	Checklist Item
<input type="checkbox"/>	Determined if LLC conducts business in Delaware (sells goods or services to DE customers)

<input type="checkbox"/>	Checklist Item
<input type="checkbox"/>	Registered for Delaware state taxes if doing business in Delaware
<input type="checkbox"/>	Determined if LLC operates in any other state (nexus analysis)
<input type="checkbox"/>	Registered as a foreign LLC in any other state where business is conducted
<input type="checkbox"/>	Filed for applicable state sales tax permits (if selling taxable goods/services)

Notes / Date	
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ANNUAL COMPLIANCE CALENDAR

Keep your Delaware LLC in good standing — recurring obligations every year

<input type="checkbox"/>	Checklist Item
<input type="checkbox"/>	Delaware Annual LLC Tax: \$300 flat fee — payment scheduled before June 1
<input type="checkbox"/>	Registered agent renewed annually (confirm physical Delaware address active)
<input type="checkbox"/>	Operating Agreement reviewed and updated if ownership or structure changes
<input type="checkbox"/>	Foreign state registrations renewed (if operating in other states)

Notes / Date	
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SKIP THE COMPLEXITY

Speak With a US Business Expert

Bizfyle handles every step — from name search to EIN to Operating Agreement — while you focus on building your business.

[⚡ Get Started in Minutes] [View Formation Packages]

Disclaimer: This checklist is for informational purposes only and does not constitute legal or tax advice.