**Section 1600.645 Electing Form of Payment**

a) A member whose benefit is subject to a QILDRO may not elect a form of payment that would diminish the amount payable to the alternate payee, unless the alternate payee has consented to such election in a notarized written statement submitted to SURS, as provided in Section 1-119(j)(1) of the Pension Code [40 ILCS 5/1-119(j)(1)].

b) A member's election either to receive or forego a proportional annuity under the Retirement Systems Reciprocal Act [40 ILCS 5/Art. 20] is not a prohibited election under Section 1-119(j)(1) of the Pension Code.

c) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the Pension Code.

d) A member's election of a form of payment of annuity that reduces the member's total benefit, while still allowing full payment to the alternate payee under a QILDRO at the date of the election, is not a prohibited election under Section 1-119(j)(1) of the Pension Code.

e) If there is some question as to whether an election would diminish the amount payable to an alternate payee, SURS may hold the election until clarification is obtained from a court of competent jurisdiction. It shall be the duty of the member or alternate payee to obtain clarification.

(Source: Amended at 33 Ill. Reg. 10757, effective July 1, 2009)