**Section 1650.1119 Electing Form of Payment**

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

b) A member's election to take a refund is not a prohibited election under Section 1-119(j)(1) of the Code. However, a member's election to roll over a refund payment does not affect the alternate payee's right to payment of the amount designated in the QILDRO.

c) 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 Code.

d) A member's failure to elect a 2.2 upgrade, or failure to make all upgrade contributions in a timely fashion, is not a prohibited election under Section 1-119(j)(1) of the Code.

e) A dependent beneficiary's election to receive monthly survivor benefits is not a prohibited election under Section 1-119(j)(1) of the Code.

f) A member's election of the Accelerated Annual Increase (AAI) provided in Section 16-190.6 of the Code, or the Accelerated Pension Benefit (APB) provided in Section 16-190.5 of the Code, is a prohibited election under Section 1-119(j)(1) of the Code, if so provided in Section 1650.3330.

g) The System may, in its sole discretion, hold a proposed election until clarification is obtained from a court of competent jurisdiction as to whether the proposed election is a prohibited election under Section 1-119(j)(1) of the Code. It shall be the duty of the member or alternate payee to obtain such clarification upon request of the System.

(Source: Amended at 44 Ill. Reg. 7905, effective April 24, 2020)