

EXHIBIT 5 TO SR-CBOE-2013-044

(additions are underlined; deletions are [bracketed])

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**Chicago Board Options Exchange, Incorporated
Rules**

Chapter XV

Records, Reports and Audits

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Rule 15.10 – [Reserved] Fingerprint-Based Background Checks of Exchange Directors, Officers, Employees and Others.

(a) In order to enhance the security of the facilities, systems, data, and records of the Exchange (collectively, “facilities and records”), the Exchange conducts fingerprint-based criminal records checks of (i) directors, officers and employees of the Exchange, and (ii) temporary personnel, independent contractors, consultants, vendors and service providers who have or are anticipated to have access to its facilities and records (collectively, “contractors”). The Exchange also conducts fingerprint-based criminal records checks of Exchange director candidates that are not already serving on the Exchange’s Board before they are formally nominated and of employee candidates after an offer of employment has been made by the Exchange. The Exchange may choose to not obtain fingerprints from, or to seek fingerprint-based information with respect to, any contractor due to that contractor's limited, supervised, or restricted access to facilities and records, or the nature or location of his or her work or services, or if the contractor's employer conducts fingerprint based criminal records checks of its personnel.

(b) The Exchange shall submit fingerprints obtained pursuant to this rule to the Attorney General of the United States or his or her designee for identification and processing. The Exchange shall at all times maintain the security of all fingerprints provided to, and all criminal history record information received from, the Attorney General or his or her designee. The Exchange shall disseminate fingerprints and criminal history record information only to the extent permitted by applicable law.

(c) The Exchange shall evaluate information received from the Attorney General or his or her designee and otherwise administer this rule in accordance with Exchange fingerprint procedures as in effect from time to time and the provisions of applicable law. Fingerprint-based criminal record information that reflects felony or misdemeanor convictions will be a factor in making employment decisions; engaging or retaining any contractors; or permitting any fingerprinted person access to facilities and records.

(d) Any employee who refuses to submit to fingerprinting will be subject to progressive discipline up to and including the termination of employment. Any person who is given an offer of employment with the Exchange who refuses to submit to fingerprinting will have the offer withdrawn. A contractor who refuses to submit to fingerprinting will be denied access to facilities and records.

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