

Required fields are shown with yellow backgrounds and asterisks.

Page 1 of \* 27

SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549  
Form 19b-4

File No. \* SR 2024 - \* 21

Amendment No. (req. for Amendments \*)

Filing by Miami International Securities Exchange, LLC.

Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934

Initial * <input checked="" type="checkbox"/>	Amendment * <input type="checkbox"/>	Withdrawal <input type="checkbox"/>	Section 19(b)(2) * <input type="checkbox"/>	Section 19(b)(3)(A) * <input checked="" type="checkbox"/>	Section 19(b)(3)(B) * <input type="checkbox"/>
--	---	--	--	--	---

Pilot <input type="checkbox"/>	Extension of Time Period for Commission Action * <input type="checkbox"/>	Date Expires * <input type="text"/>
-----------------------------------	--	--

Rule

<input type="checkbox"/> 19b-4(f)(1)	<input type="checkbox"/> 19b-4(f)(4)
<input type="checkbox"/> 19b-4(f)(2)	<input type="checkbox"/> 19b-4(f)(5)
<input type="checkbox"/> 19b-4(f)(3)	<input checked="" type="checkbox"/> 19b-4(f)(6)

Notice of proposed change pursuant to the Payment, Clearing, and Settlement Act of 2010  
Section 806(e)(1) \*

Section 806(e)(2) \*

Security-Based Swap Submission pursuant to the Securities Exchange Act of 1934  
Section 3C(b)(2) \*

Exhibit 2 Sent As Paper Document

Exhibit 3 Sent As Paper Document

### Description

Provide a brief description of the action (limit 250 characters, required when Initial is checked \*).

Amend Exchange Rule 313 and 700 to adopt additional clarifying rule text

### Contact Information

Provide the name, telephone number, and e-mail address of the person on the staff of the self-regulatory organization prepared to respond to questions and comments on the action.

First Name \* Greg Last Name \* Ziegler

Title \* Senior Counsel

E-mail \* gziegler@miaxglobal.com

Telephone \* (609) 897-1483 Fax

### Signature

Pursuant to the requirements of the Securities Exchange of 1934, Miami International Securities Exchange, L has duly caused this filing to be signed on its behalf by the undersigned thereunto duly authorized.

Date 04/12/2024

(Title \*)

By Gregory P. Ziegler

Senior Counsel

(Name \*)

NOTE: Clicking the signature block at right will initiate digitally signing the form. A digital signature is as legally binding as a physical signature, and once signed, this form cannot be changed.

*Gregory Ziegler* Date: 2024.04.12 09:54:01 -04'00'

Required fields are shown with yellow backgrounds and astericks.

SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

For complete Form 19b-4 instructions please refer to the EFFS website.

**Form 19b-4 Information \***

Add Remove View

SR-MIAX-2024-21 20240410 19b4.do

The self-regulatory organization must provide all required information, presented in a clear and comprehensible manner, to enable the public to provide meaningful comment on the proposal and for the Commission to determine whether the proposal is consistent with the Act and applicable rules and regulations under the Act.

**Exhibit 1 - Notice of Proposed Rule Change \***

Add Remove View

SR-MIAX-2024-21 - Exhibit 1.docx

The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO]-xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)

**Exhibit 1A - Notice of Proposed Rule Change, Security-Based Swap Submission, or Advanced Notice by Clearing Agencies \***

Add Remove View

The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO]-xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)

**Exhibit 2- Notices, Written Comments, Transcripts, Other Communications**

Add Remove View

Copies of notices, written comments, transcripts, other communications. If such documents cannot be filed electronically in accordance with Instruction F, they shall be filed in accordance with Instruction G.

Exhibit Sent As Paper Document

**Exhibit 3 - Form, Report, or Questionnaire**

Add Remove View

Copies of any form, report, or questionnaire that the self-regulatory organization proposes to use to help implement or operate the proposed rule change, or that is referred to by the proposed rule change.

Exhibit Sent As Paper Document

**Exhibit 4 - Marked Copies**

Add Remove View

The full text shall be marked, in any convenient manner, to indicate additions to and deletions from the immediately preceding filing. The purpose of Exhibit 4 is to permit the staff to identify immediately the changes made from the text of the rule with which it has been working.

**Exhibit 5 - Proposed Rule Text**

Add Remove View

SR-MIAX-2024-21 - Exhibit 5.docx

The self-regulatory organization may choose to attach as Exhibit 5 proposed changes to rule text in place of providing it in Item I and which may otherwise be more easily readable if provided separately from Form 19b-4. Exhibit 5 shall be considered part of the proposed rule change

**Partial Amendment**

Add Remove View

If the self-regulatory organization is amending only part of the text of a lengthy proposed rule change, it may, with the Commission's permission, file only those portions of the text of the proposed rule change in which changes are being made if the filing (i.e. partial amendment) is clearly understandable on its face. Such partial amendment shall be clearly identified and marked to show deletions and additions.

## 1. **Text of the Proposed Rule Change**

(a) Miami International Securities Exchange, LLC (“MIAX” or “Exchange”), pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> proposes to amend Rule 313, Other Restrictions on Options Transactions and Exercises; and Rule 700, Exercise of Option Contracts.<sup>3</sup>

A notice of the proposed rules changes for publication in the Federal Register is attached hereto as Exhibit 1, and the text of the proposed rule change is attached hereto as Exhibit 5.

(b) Not applicable.

(c) Not applicable.

## 2. **Procedures of the Self-Regulatory Organization**

The proposed rule change was approved by the Chief Executive Officer of the Exchange or his designee pursuant to authority delegated by the Exchange Board of Directors on January 19, 2024. Exchange staff will advise the Board of Directors of any action taken pursuant to delegated authority. No other action by the Exchange is necessary for the filing of the proposed rule change.

Questions and comments on the proposed rule change may be directed to Gregory P. Ziegler, VP, Senior Counsel, at (609) 897-1483.

## 3. **Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

a. Purpose

---

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The Exchange notes that MIAX Rule 313 and MIAX Rule 700 are incorporated by reference to the Exchange’s affiliates MIAX Pearl and MIAX Emerald.

The Exchange proposes to amend Exchange Rule 313, Other Restrictions on Options Transactions and Exercises; and Rule 700, Exercise of Option Contracts.

### Background

Historically, standard expiration contracts expired at 11:59 p.m. Eastern Time, on the Saturday following the third Friday of the specified expiration month. In 2013 the Options Clearing Corporation (“OCC”) proposed a rule change to allow the OCC to change the expiration date for most option contracts to the third Friday of the expiration month instead of the Saturday following the third Friday.<sup>4</sup> Since that time the industry has supplemented options that expire monthly by offering options that expire on Mondays and Wednesdays<sup>5</sup> and also on Tuesdays and Thursdays.<sup>6</sup>

### Proposal

While the Exchange’s rule that governs the listing of options, Rule 404, Series of Option Contracts Open for Trading, has been periodically amended to account for changes to the Short Term Options Series Program,<sup>7</sup> other tangentially related rules have not been simultaneously

---

<sup>4</sup> See Securities Exchange Act Release No. 69772 (June 17, 2013), 78 FR 37645 (June 21, 2013) (SR-OCC-2013-04) (Order Approving Proposed Rule Change to Change the Expiration Date For Most Option Contracts to the Third Friday of the Expiration Month Instead of the Saturday Following the Third Friday).

<sup>5</sup> See Securities Exchange Act Release Nos. 82719 (February 15, 2018), 83 FR 7790 (February 22, 2018) (SR-MIAX-2018-05) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange, LLC To Expand the Short Term Option Series Program); 91667 (April 23, 2021), 86 FR 22734 (April 29, 2021) (SR-MIAX-2021-16) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit Monday and Wednesday Expirations for Options Listed Pursuant to the Short Term Option Series Program on the Invesco QQQ Trust<sup>SM</sup> Series (“QQQ”) ETF Trust); and 93251 (October 4, 2021), 86 FR 56308 (October 8, 2021) (SR-MIAX-2021-47) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit Monday and Wednesday Expirations for Options Listed Pursuant to the Short Term Option Series Program on the iShares Russell 2000 ETF (“IWM”).

<sup>6</sup> See Securities Exchange Act Release No. 96342 (November 17, 2022), 87 FR 71727 (November 23, 2022) (SR-MIAX-2022-41) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Exchange Rule 404, Series of Option Contracts Open for Trading and the Short Term Option Series Program).

<sup>7</sup> See Interpretations and Policies .02 of Exchange Rule 404.

updated to adequately reflect these changes. Specifically, the Exchange now proposes to amend Exchange Rule 313, Other Restrictions on Options Transactions and Exercises, to adopt clarifying language and Rule 700, Exercise of Option Contracts, to adopt clarifying language and to amend paragraph (c) to adopt clarifying language and to also remove unnecessary rule text to align to current Rule 404.

The Exchange proposes to amend paragraph (a)(2) of Rule 313 to adopt rule text that will provide additional detail for options that expire on a business day and a non-business day. Currently, the first sentence of paragraph (a)(2) provides that, “[n]otwithstanding the foregoing, during the ten (10) business days prior to the expiration date of a given series of options, other than index options, no restriction on exercise under this Rule may be in effect with respect to that series of options.” The Exchange now proposes to amend the sentence to provide that, “[n]otwithstanding the foregoing, during the ten (10) business days prior to the expiration date of a given series of options, **which shall include such expiration date for an option contract that expires on a business day**, other than index options, no restriction on exercise under this Rule may be in effect with respect to that series of options.” The Exchange also proposes to amend the second sentence of paragraph (a)(2) of Rule 313. Currently, the second sentence provides that, “[w]ith respect to index options, restrictions on exercise may be in effect until the opening of business on the last business day before the expiration date.” The Exchange now proposes to amend the sentence to provide that, “[w]ith respect to index options, restrictions on exercise that may be in effect until the opening of business on the **business day of their expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day before the expiration date.**”<sup>8</sup>

---

<sup>8</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Rule 3170(a)(2).

The Exchange also proposes to amend paragraph (a)(3)(ii) of Exchange Rule 313. Currently, paragraph (a)(3)(ii) provides that “Exercises of expiring American-style, cash-settled index options shall not be prohibited on the last business day prior to their expiration.” The Exchange now proposes to amend the sentence to provide that, “[e]xercises of expiring American-style, cash-settled index options shall not be prohibited on the **business day of their expiration, or, in the case of an option contract expiring on a day that is not a business day, on the** last business day prior to their expiration.”<sup>9</sup>

The Exchange proposes to amend Exchange Rule 700, Exercise of Option Contracts, to adopt new rule text related to expiring options. Currently, paragraph (b) provides that, “[s]pecial procedures apply to the exercise of equity options on the last business day before their expiration (‘expiring options’).” The Exchange now proposes to amend the sentence to provide that, “[s]pecial procedures apply to the exercise of equity options on the business day **of their expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day before their expiration** (‘expiring options’).”<sup>10</sup>

The Exchange also proposes to amend paragraph (c) of Rule 700. Currently, paragraph (c) provides that, “[o]ption holders have until 5:30 p.m. Eastern Time on the business day immediately prior to the expiration date or, in the case of Short Term Option Series and Quarterly Options Series, on the expiration date, to make a final decision to exercise or not exercise an expiring option.” The Exchange now proposes to amend the sentence to provide that, “[o]ption holders have until 5:30 p.m. Eastern Time on the business day **of their expiration, or, in the case of an option contract expiring on a day that is not a business day,**

---

<sup>9</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Exchange Rule 3170(a)(3)(ii).

<sup>10</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Exchange Rule 9000(b).

**on the business day immediately prior to** the expiration date, to make a final decision to exercise or not exercise an expiring option.” The Exchange also proposes to remove unnecessary language from paragraph (c).<sup>11</sup> Specifically, the Exchange proposes to remove the text that provides, “[r]especting options that expire after February 1, 2015, option holders have until 5:30 p.m. Eastern Time on the expiration date to make a final decision to exercise or not exercise an expiring option. Members may set earlier cutoff times for customers submitting exercise notices,” as this text is made obsolete by the proposed changes to the first sentence of paragraph (c).

The Exchange proposes to amend paragraph (d)(iii) of Rule 700. Currently, paragraph (d)(iii) provides that, “Members have until 7:30 p.m. Eastern Time on the business day immediately prior to the expiration date or, in the case of Short Term Option Series and Quarterly Options Series, on the expiration date, to submit a Contrary Exercise Advice to the Exchange if such Member employs an electronic submission procedure with time stamp for the submission of exercise instructions by option holders.” The Exchange now proposes to amend this sentence to remove unnecessary language, such that the proposed sentence will provide, “Members have until 7:30 p.m. Eastern Time to submit a Contrary Exercise Advice to the Exchange if such Member employs an electronic submission procedure with time stamp for the submission of exercise instructions by option holders.”

The Exchange proposes to amend paragraph (h) of Rule 700. Currently, paragraph (h) provides that, “[i]n the event the Exchange provides advance notice on or before 5:30 p.m. Eastern Time on the business day immediately prior to the last business day before the expiration date indicating that a modified time for the close of trading in equity options on such last

---

<sup>11</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Rule 9000(c).

business day before expiration will occur, then the deadline to make a final decision to exercise or not exercise an expiring option shall be 1 hour 30 minutes following the time announced for the close of trading on that day instead of the 5:30 p.m. Eastern Time deadline found in Rule 700(c).” The Exchange now proposes to amend the sentence to provide that, “[i]n the event the Exchange provides advance notice on or before 5:30 p.m. Eastern Time on the business day immediately prior to the **business day of expiration, or, in the case of an option contract expiring on a day that is not a business day, the business day immediately prior to the** last business day before the expiration date indicating that a modified time for the close of trading in equity options on such **business day or expiration, or, in the case of an option contract expiring on a day that is not a business day, such** last business day before expiration will occur, then the deadline to make a final decision to exercise or not exercise an expiring option shall be 1 hour 30 minutes following the time announced for the close of trading on that day instead of the 5:30 p.m. Eastern Time deadline found in Rule 700(c).”<sup>12</sup>

The Exchange proposes to amend paragraph (i)(2) of Rule 700. Currently, the last sentence of paragraph (i)(2) provides, “[f]or purposes of this subparagraph (i)(2), an ‘unusual circumstance’ includes, but is not limited to, a significant news announcement concerning the underlying security of an option contract that is scheduled to be released just after the close on the business day immediately prior to expiration.” The Exchange now proposes to amend the sentence to provide that, “[f]or purposes of this subparagraph (i)(2), an ‘unusual circumstance’ includes, but is not limited to, a significant news announcement concerning the underlying security of an option contract that is scheduled to be released just after the close on the business day **the option contract**

---

<sup>12</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Rule 9000(h).



**expires, or, in the case of an option contract expiring on a day that is not a business day, the business day** immediately prior to expiration.”<sup>13</sup>

Finally, the Exchange proposes to amend paragraph (l)(8)(ii) of Rule 700. Currently, paragraph (l)(8)(ii) provides, “[e]xercises of expiring American-style, cash-settled index options shall not be prohibited on the last business day prior to their expiration.” The Exchange now proposes to amend this sentence to provide, “[e]xercises of expiring American-style, cash-settled index options shall not be prohibited on the **business day of their expiration, or, in the case of option contracts expiring on a day that is not a business day, on the** last business day prior to their expiration.”<sup>14</sup>

b. Statutory Basis

The Exchange believes the proposed rule changes are consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>15</sup> Specifically, the Exchange believes the proposed rule changes are consistent with Section 6(b)(5)<sup>16</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

---

<sup>13</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Rule 9000(i)(2).

<sup>14</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Rule 9000(l)(8)(ii).

<sup>15</sup> 15 U.S.C. 78f(b).

<sup>16</sup> 15 U.S.C. 78f(b)(5).

The Exchange believes its proposal to amend Rule 313 promotes just and equitable principles of trade and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest as the proposal provides additional detail and clarity to the Exchange's rules. Clear and concise rules benefit investors and the public interest by clearly describing Exchange processes which removes the potential for confusion.

The Exchange believes that its proposal to amend Rule 700 promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general protects investors and the public interest as the proposal provides additional detail and clarity to the Exchange's rules. Additionally, the proposed changes to paragraph (c) harmonizes the Exchange's exercise cut-off time process to that of other options exchanges<sup>17</sup> providing consistency within the industry which benefits investors and the public interest. The Exchange believes that keeping its rules consistent with those of other option exchanges will protect all participants in the market by eliminating confusion. Finally, the proposed changes do not permit unfair discrimination between Members<sup>18</sup> as the rules of the Exchange apply to all Members equally.

#### **4. Self-Regulatory Organization's Statement on Burden on Competition**

The Exchange believes that the proposed rules changes would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The

---

<sup>17</sup> See e.g., BOX Exchange Rule 9000, Nasdaq ISE Options 6B, Section 1, and NYSE Arca Rule 6.24-O(c).

<sup>18</sup> The term "Member" means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

proposed rule changes are not intended to address a competitive issue but rather would clarify the interaction of the Exchange's rules with one another and harmonize certain rule text regarding expiring options to that of other option exchanges. The proposal is not designed to address any aspect of competition, either between the Exchange and its competitors, or among market participants. Therefore, the Exchange does not believe the proposed rule change would impose a burden on competition.

5. **Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others**

No written comments were either solicited or received.

6. **Extension of Time Period for Commission Action**

Not applicable.

7. **Basis for Summary Effectiveness Pursuant to Section 19(b)(3) or for Accelerated Effectiveness Pursuant to Section 19(b)(2)**

Pursuant to Section 19(b)(3)(A) of the Act<sup>19</sup> and Rule 19b-4(f)(6)<sup>20</sup> thereunder, the Exchange has designated this proposal as one that effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.

The Exchange believes that the proposed rule change does not significantly affect the protection of investors or the public interest but rather furthers the protection of investors and the

---

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>20</sup> 17 CFR 240.19b-4(f)(6).

public interest as it provides additional detail and clarity in the Exchange's rules. Clarity and precision in the Exchange's rules helps avoid confusion which benefits investors and the public.

Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement. Furthermore, a proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act<sup>21</sup> normally does not become operative for 30 days after the date of its filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**8. Proposed Rule Change Based on Rules of Another Self-Regulatory Organization or of the Commission**

Not applicable.

**9. Security-Based Swap Submissions Filed Pursuant to Section 3C of the Act**

Not applicable.

**10. Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act**

Not applicable.

**11. Exhibits**

1. Notice of proposed rule for publication in the Federal Register.

5. Text of proposed rule change.

---

<sup>21</sup> 17 CFR 240.19b-4(f)(6).

**EXHIBIT 1**

SECURITIES AND EXCHANGE COMMISSION  
(Release No. 34- ; File No. SR-MIAX-2024-21)

April\_\_\_\_, 2024

Self-Regulatory Organizations: Notice of Filing of a Proposed Rule Change by Miami International Securities Exchange, LLC to Amend Exchange Rule 313, Other Restrictions on Options Transactions and Exercises; and Rule 700, Exercise of Option Contracts

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 12, 2024, Miami International Securities Exchange, LLC (“MIAX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Rule 313, Other Restrictions on Options Transactions and Exercises; and Rule 700, Exercise of Option Contracts.<sup>3</sup>

The text of the proposed rule change is available on the Exchange’s website at <https://www.miaxglobal.com/markets/us-options/miax-options/rule-filings>, at MIAX’s principal office, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on

---

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The Exchange notes that MIAX Rule 313 and MIAX Rule 700 are incorporated by reference to the Exchange’s affiliates MIAX Pearl and MIAX Emerald.

the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 313, Other Restrictions on Options Transactions and Exercises; and Rule 700, Exercise of Option Contracts.

Background

Historically, standard expiration contracts expired at 11:59 p.m. Eastern Time, on the Saturday following the third Friday of the specified expiration month. In 2013 the Options Clearing Corporation (“OCC”) proposed a rule change to allow the OCC to change the expiration date for most option contracts to the third Friday of the expiration month instead of the Saturday following the third Friday.<sup>4</sup> Since that time the industry has supplemented options that expire monthly by offering options that expire on Mondays and Wednesdays<sup>5</sup> and also on Tuesdays and Thursdays.<sup>6</sup>

---

<sup>4</sup> See Securities Exchange Act Release No. 69772 (June 17, 2013), 78 FR 37645 (June 21, 2013) (SR-OCC-2013-04) (Order Approving Proposed Rule Change to Change the Expiration Date For Most Option Contracts to the Third Friday of the Expiration Month Instead of the Saturday Following the Third Friday).

<sup>5</sup> See Securities Exchange Act Release Nos. 82719 (February 15, 2018), 83 FR 7790 (February 22, 2018) (SR-MIAX-2018-05) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange, LLC To Expand the Short Term Option Series Program); 91667 (April 23, 2021), 86 FR 22734 (April 29, 2021) (SR-MIAX-2021-16) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit Monday and Wednesday Expirations for Options Listed Pursuant to the Short Term Option Series Program on the Invesco QQQ Trust<sup>SM</sup> Series (“QQQ”) ETF Trust); and 93251 (October 4, 2021), 86 FR 56308 (October 8, 2021) (SR-MIAX-2021-47) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit Monday and Wednesday Expirations for Options Listed Pursuant to the Short Term Option Series Program on the iShares Russell 2000 ETF (“IWM”).

<sup>6</sup> See Securities Exchange Act Release No. 96342 (November 17, 2022), 87 FR 71727 (November 23, 2022) (SR-MIAX-2022-41) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Exchange Rule 404, Series of Option Contracts Open for Trading and the Short Term Option Series Program).

### Proposal

While the Exchange's rule that governs the listing of options, Rule 404, Series of Option Contracts Open for Trading, has been periodically amended to account for changes to the Short Term Options Series Program,<sup>7</sup> other tangentially related rules have not been simultaneously updated to adequately reflect these changes. Specifically, the Exchange now proposes to amend Exchange Rule 313, Other Restrictions on Options Transactions and Exercises, to adopt clarifying language and Rule 700, Exercise of Option Contracts, to adopt clarifying language and to amend paragraph (c) to adopt clarifying language and to also remove unnecessary rule text to align to current Rule 404.

The Exchange proposes to amend paragraph (a)(2) of Rule 313 to adopt rule text that will provide additional detail for options that expire on a business day and a non-business day. Currently, the first sentence of paragraph (a)(2) provides that, “[n]otwithstanding the foregoing, during the ten (10) business days prior to the expiration date of a given series of options, other than index options, no restriction on exercise under this Rule may be in effect with respect to that series of options.” The Exchange now proposes to amend the sentence to provide that, “[n]otwithstanding the foregoing, during the ten (10) business days prior to the expiration date of a given series of options, **which shall include such expiration date for an option contract that expires on a business day**, other than index options, no restriction on exercise under this Rule may be in effect with respect to that series of options.” The Exchange also proposes to amend the second sentence of paragraph (a)(2) of Rule 313. Currently, the second sentence provides that, “[w]ith respect to index options, restrictions on exercise may be in effect until the opening of business on the last business day before the expiration date.” The Exchange now proposes to

---

<sup>7</sup> See Interpretations and Policies .02 of Exchange Rule 404.

amend the sentence to provide that, “[w]ith respect to index options, restrictions on exercise that may be in effect until the opening of business on the **business day of their expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day before the expiration date.**”<sup>8</sup>

The Exchange also proposes to amend paragraph (a)(3)(ii) of Exchange Rule 313. Currently, paragraph (a)(3)(ii) provides that “Exercises of expiring American-style, cash-settled index options shall not be prohibited on the last business day prior to their expiration.” The Exchange now proposes to amend the sentence to provide that, “[e]xercises of expiring American-style, cash-settled index options shall not be prohibited on the **business day of their expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day prior to their expiration.**”<sup>9</sup>

The Exchange proposes to amend Exchange Rule 700, Exercise of Option Contracts, to adopt new rule text related to expiring options. Currently, paragraph (b) provides that, “[s]pecial procedures apply to the exercise of equity options on the last business day before their expiration (‘expiring options’).” The Exchange now proposes to amend the sentence to provide that, “[s]pecial procedures apply to the exercise of equity options on the **business day of their expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day before their expiration** (‘expiring options’).”<sup>10</sup>

The Exchange also proposes to amend paragraph (c) of Rule 700. Currently, paragraph (c) provides that, “[o]ption holders have until 5:30 p.m. Eastern Time on the business day immediately prior to the expiration date or, in the case of Short Term Option Series and

---

<sup>8</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Rule 3170(a)(2).

<sup>9</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Exchange Rule 3170(a)(3)(ii).

<sup>10</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Exchange Rule 9000(b).



Quarterly Options Series, on the expiration date, to make a final decision to exercise or not exercise an expiring option.” The Exchange now proposes to amend the sentence to provide that, “[o]ption holders have until 5:30 p.m. Eastern Time on the business day **of their expiration**, or, in the case of **an option contract expiring on a day that is not a business day, on the business day immediately prior to** the expiration date, to make a final decision to exercise or not exercise an expiring option.” The Exchange also proposes to remove unnecessary language from paragraph (c).<sup>11</sup> Specifically, the Exchange proposes to remove the text that provides, “[r]especting options that expire after February 1, 2015, option holders have until 5:30 p.m. Eastern Time on the expiration date to make a final decision to exercise or not exercise an expiring option. Members may set earlier cutoff times for customers submitting exercise notices,” as this text is made obsolete by the proposed changes to the first sentence of paragraph (c).

The Exchange proposes to amend paragraph (d)(iii) of Rule 700. Currently, paragraph (d)(iii) provides that, “Members have until 7:30 p.m. Eastern Time on the business day immediately prior to the expiration date or, in the case of Short Term Option Series and Quarterly Options Series, on the expiration date, to submit a Contrary Exercise Advice to the Exchange if such Member employs an electronic submission procedure with time stamp for the submission of exercise instructions by option holders.” The Exchange now proposes to amend this sentence to remove unnecessary language, such that the proposed sentence will provide, “Members have until 7:30 p.m. Eastern Time to submit a Contrary Exercise Advice to the Exchange if such Member employs an electronic submission procedure with time stamp for the submission of exercise instructions by option holders.”

---

<sup>11</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Rule 9000(c).

The Exchange proposes to amend paragraph (h) of Rule 700. Currently, paragraph (h) provides that, “[i]n the event the Exchange provides advance notice on or before 5:30 p.m. Eastern Time on the business day immediately prior to the last business day before the expiration date indicating that a modified time for the close of trading in equity options on such last business day before expiration will occur, then the deadline to make a final decision to exercise or not exercise an expiring option shall be 1 hour 30 minutes following the time announced for the close of trading on that day instead of the 5:30 p.m. Eastern Time deadline found in Rule 700(c).” The Exchange now proposes to amend the sentence to provide that, “[i]n the event the Exchange provides advance notice on or before 5:30 p.m. Eastern Time on the business day immediately prior to the **business day of expiration, or, in the case of an option contract expiring on a day that is not a business day, the business day immediately prior to the** last business day before the expiration date indicating that a modified time for the close of trading in equity options on such **business day or expiration, or, in the case of an option contract expiring on a day that is not a business day, such** last business day before expiration will occur, then the deadline to make a final decision to exercise or not exercise an expiring option shall be 1 hour 30 minutes following the time announced for the close of trading on that day instead of the 5:30 p.m. Eastern Time deadline found in Rule 700(c).”<sup>12</sup>

The Exchange proposes to amend paragraph (i)(2) of Rule 700. Currently, the last sentence of paragraph (i)(2) provides, “[f]or purposes of this subparagraph (i)(2), an ‘unusual circumstance’ includes, but is not limited to, a significant news announcement concerning the underlying security of an option contract that is scheduled to be released just after the close on the business day immediately prior to expiration.” The Exchange now proposes to amend the sentence to provide

---

<sup>12</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Rule 9000(h).

that, “[f]or purposes of this subparagraph (i)(2), an ‘unusual circumstance’ includes, but is not limited to, a significant news announcement concerning the underlying security of an option contract that is scheduled to be released just after the close on the business day **the option contract expires, or, in the case of an option contract expiring on a day that is not a business day, the business day** immediately prior to expiration.”<sup>13</sup>

Finally, the Exchange proposes to amend paragraph (1)(8)(ii) of Rule 700. Currently, paragraph (1)(8)(ii) provides, “[e]xercises of expiring American-style, cash-settled index options shall not be prohibited on the last business day prior to their expiration.” The Exchange now proposes to amend this sentence to provide, “[e]xercises of expiring American-style, cash-settled index options shall not be prohibited on the **business day of their expiration, or, in the case of option contracts expiring on a day that is not a business day, on the last business day** prior to their expiration.”<sup>14</sup>

## 2. Statutory Basis

The Exchange believes the proposed rule changes are consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>15</sup> Specifically, the Exchange believes the proposed rule changes are consistent with Section 6(b)(5)<sup>16</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to

---

<sup>13</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Rule 9000(i)(2).

<sup>14</sup> The Exchange notes that the proposed rule text is substantively identical to BOX Rule 9000(1)(8)(ii).

<sup>15</sup> 15 U.S.C. 78f(b).

<sup>16</sup> 15 U.S.C. 78f(b)(5).

remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes its proposal to amend Rule 313 promotes just and equitable principles of trade and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest as the proposal provides additional detail and clarity to the Exchange's rules. Clear and concise rules benefit investors and the public interest by clearly describing Exchange processes which removes the potential for confusion.

The Exchange believes that its proposal to amend Rule 700 promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general protects investors and the public interest as the proposal provides additional detail and clarity to the Exchange's rules. Additionally, the proposed changes to paragraph (c) harmonizes the Exchange's exercise cut-off time process to that of other options exchanges<sup>17</sup> providing consistency within the industry which benefits investors and the public interest. The Exchange believes that keeping its rules consistent with those of other option exchanges will protect all participants in the market by eliminating confusion. Finally, the proposed changes do not permit unfair discrimination between Members<sup>18</sup> as the rules of the Exchange apply to all Members equally.

B. Self-Regulatory Organization's Statement on Burden on Competition

---

<sup>17</sup> See e.g., BOX Exchange Rule 9000, Nasdaq ISE Options 6B, Section 1, and NYSE Arca Rule 6.24-O(c).

<sup>18</sup> The term "Member" means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

The Exchange believes that the proposed rules changes would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes are not intended to address a competitive issue but rather would clarify the interaction of the Exchange's rules with one another and harmonize certain rule text regarding expiring options to that of other option exchanges. The proposal is not designed to address any aspect of competition, either between the Exchange and its competitors, or among market participants. Therefore, the Exchange does not believe the proposed rule change would impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act<sup>19</sup> and Rule 19b-4(f)(6)<sup>20</sup> thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the

---

<sup>19</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>20</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments:

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-MIAX-2024-21 on the subject line.

Paper Comments:

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-MIAX-2024-21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3

p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MIAX-2024-21 and should be submitted on or before [INSERT DATE 21 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>21</sup>

Sherry R. Haywood,  
Assistant Secretary

---

<sup>21</sup> 17 CFR 200.30-3(a)(12).

**Exhibit 5**

New text is underlined;  
Deleted text is in [brackets]

**MIAX Options Exchange Rules**

\* \* \* \* \*

**Rule 313. Other Restrictions on Options Transactions and Exercises**

(a) The Exchange may impose such restrictions on transactions or exercises in one or more series of options of any class traded on the Exchange as the Exchange in its judgment deems advisable in the interests of maintaining a fair and orderly market in option contracts or in underlying securities, or otherwise deems advisable in the public interest or for the protection of investors.

(1) No change.

(2) Notwithstanding the foregoing, during the ten (10) business days prior to the expiration date of a given series of options, which shall include such expiration date for an option contract that expires on a business day, other than index options, no restriction on exercise under this Rule may be in effect with respect to that series of options. With respect to index options, restrictions on exercise may be in effect until the opening of business on the business day of their expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day before the expiration date.

(3) Exercises of American-style, cash-settled index options shall be prohibited during any time when trading in such options is delayed, halted, or suspended, subject to the following exceptions:

(i) No change.

(ii) Exercises of expiring American-style, cash-settled index options shall not be prohibited on the business day of their expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day prior to their expiration;

\* \* \* \* \*

**Rule 700. Exercise of Option Contracts**

(a) No change.

(b) Special procedures apply to the exercise of equity options on the [last ]business day [before]of their expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day before their expiration ("expiring options"). Unless waived by the Clearing



Corporation, expiring options are subject to the Exercise-by-Exception ("Ex-by-Ex") procedure under Clearing Corporation Rule 805. This Rule provides that, unless contrary instructions are given, option contracts that are in-the-money by specified amounts shall be automatically exercised. In addition to the Rules of the Clearing Corporation, the following Exchange requirements apply with respect to expiring options. Option holders desiring to exercise or not exercise expiring options must either:

(1) take no action and allow exercise determinations to be made in accordance with the Clearing Corporation's Ex-by-Ex procedure where applicable; or

(2) submit a "Contrary Exercise Advice" to the Exchange as specified in paragraph (d) below.

(c) **Exercise cut-off time.** Option holders have until 5:30 p.m. Eastern Time on the business day of their expiration, [immediately prior to the expiration date] or, in the case of an option contract expiring on a day that is not a business day, on the business day immediately prior to [Short Term Option Series and Quarterly Options Series, on] the expiration date, to make a final decision to exercise or not exercise an expiring option. Members may not accept exercise instructions for customer or non-customer accounts after 5:30 p.m. Eastern Time. [ Respecting options that expire after February 1, 2015, option holders have until 5:30 p.m. Eastern Time on the expiration date to make a final decision to exercise or not exercise an expiring option. Members may set earlier cutoff times for customers submitting exercise notices.] Clearing Members are permitted to submit exercise instructions after the cutoff time only in case of errors or other unusual situations, and may be subject to fines or disciplinary actions pursuant to Rule 1014.

(d) **Submission of Contrary Exercise Advices.** A Contrary Exercise Advice is a communication either: (1) to not exercise an option that would be automatically exercised under the Clearing Corporation's Ex-by-Ex procedure, or (2) to exercise an option that would not be automatically exercised under the Clearing Corporation's Ex-by-Ex procedure.

(i) A Contrary Exercise Advice may be submitted to the Exchange by a Member by using the Exchange's Contrary Exercise Advice Form, the Clearing Corporation's ENCORE system, a Contrary Exercise Advice form of any other national securities exchange of which the firm is a member and where the option is listed, or such other method as the Exchange may prescribe. A Contrary Exercise Advice may be canceled by filing an "Advice Cancel" with the Exchange or resubmitted at any time up to the submission cut-off times specified below.

(ii) **Deadline for CEA Submission for Customer Accounts.** Members have until 7:30 p.m. Eastern Time [on the business day immediately prior to the expiration date or, in the case of Short Term Option Series and Quarterly Options Series, on the expiration date, ]to submit a Contrary Exercise Advice to the Exchange.

(iii) **Deadline for CEA Submission for Non-Customer Accounts.** Members have until 7:30 p.m. Eastern Time [on the business day immediately prior to the expiration date or, in the case of Short Term Option Series and Quarterly Options Series, on the expiration date, ]to submit a Contrary Exercise Advice to the Exchange if such Member employs an electronic submission procedure with time stamp for the submission of exercise instructions by option holders. Members are required to manually submit a Contrary Exercise Advice by 5:30 p.m. for non-customer accounts if such Members do not employ an electronic submission procedure with time stamp for the submission of exercise instructions by option holders.

(e) - (g) No change.

(h) In the event the Exchange provides advance notice on or before 5:30 p.m. Eastern Time on the business day immediately prior to the business day of expiration, or, in the case of an option contract expiring on a day that is not a business day, the business day immediately prior to the last business day before the expiration date indicating that a modified time for the close of trading in equity options on such business day or expiration, or, in the case of an option contract expiring on a day that is not a business day, such last business day before expiration will occur, then the deadline to make a final decision to exercise or not exercise an expiring option shall be 1 hour 30 minutes following the time announced for the close of trading on that day instead of the 5:30 p.m. Eastern Time deadline found in Rule 700(c). However, Members have until 7:30 p.m. Eastern Time to deliver a Contrary Exercise Advice or Advice Cancel to the Exchange for customer accounts and non-customer accounts where such Member employs an electronic submission procedure with time stamp for the submission of exercise instructions. For non-customer accounts, Members that do not employ an electronic procedure with time stamp for the submission of exercise instructions are required to deliver a Contrary Exercise Advice or Advice Cancel within 1 hour and 30 minutes following the time announced for the close of trading on that day instead of the 5:30 p.m. Eastern Time deadline found in Rule 700(d).

(i) **Modification of cut-off time.**

(1) No change.

(2) The Exchange with at least one (1) business day prior advance notice, by 12:00 noon on such day, may establish a reduced cut-off time for the decision to exercise or not exercise an expiring option and for the submission of Contrary Exercise Advices on a case-by-case basis due to unusual circumstances; provided, however, that under no circumstances should the exercise cut-off time and the time for submission of a Contrary Exercise Advice be before the close of trading. For purposes of this subparagraph (i)(2), an "unusual circumstance" includes, but is not limited to, a significant news announcement concerning the underlying security of an option contract that is scheduled to be released just after the close on the business day the option contract expires, or, in the case of an option contract expiring on a day that is not a business day, the business day immediately prior to expiration.

(j) – (k) No change.

(l) Clearing Members must follow the procedures of the Clearing Corporation when exercising American-style cash-settled index options contracts issued or to be issued in any account at the Clearing Corporation. Members must also follow the procedures set forth below with respect to American-style cash-settled index options:

(1) – (7) No change.

(8) Exercises of American-style, cash-settled index options (and the submission of corresponding “exercise advice” and “advice cancel” forms) shall be prohibited during any time when trading in such options is delayed, halted, or suspended, subject to the following exceptions:

(i) The exercise of an American-style, cash-settled index option may be processed and given effect in accordance with and subject to the rules of the Clearing Corporation while trading in the option is delayed, halted, or suspended if it can be documented, in a form prescribed by the Exchange, that the decision to exercise the option was made during allowable time frames prior to the delay, halt, or suspension.

(ii) Exercises of expiring American-style, cash-settled index options shall not be prohibited on the business day of their expiration, or, in the case of option contracts expiring on a day that is not a business day, on the last business day prior to their expiration.

(iii) - (iv) No change.

\* \* \* \* \*