



## Partial Report on the National Election Observation Mission 2022 Electoral Transparency Brazil

### 1) Introduction: Political context of the 2022 general elections

For some years now, Brazil's political institutions have been challenged by growing instability. One example is the growing discourse challenging the integrity of the electronic voting system which, although present since 2014, gained enhanced prominence since the 2018 elections, when the country's top authorities intensified their attacks on this system. This includes direct confrontations of the electoral authority and is linked to an increase in political violence in the country.

In light of this, strengthening and promoting electoral integrity in Brazil is of the utmost importance. Considering that some high-ranking institutional authorities have come to question the legitimacy of the electoral results, Brazil arrived at the 2022 elections with an important task: to foster good practices that allow for greater transparency in the democratic process.

This context makes the 2022 general elections a particularly relevant moment in the country's history, which becomes even more complex when one accounts for the presence of intense disinformation campaigns in the virtual environment, the unethical use of social networks, and the mobilization of radical groups, including by elected politicians who are under investigation for promoting attacks on Brazilian political institutions.

Electoral Transparency Brazil (in Portuguese: *Transparência Eleitoral Brasil, TE Brasil*) has followed in detail the tension between democratic institutions, the electoral authority and the Armed Forces. Since the electoral authority authorized the military to join into the Election Transparency Commission (in Portuguese: *Comissão*



*de Transparência das Eleições, CTE*)<sup>1</sup> of the Superior Electoral Court (in Portuguese: *Tribunal Superior Eleitoral, TSE*) – a commission in which *TE Brasil* also participates – as some authorities, including members of the government and high ranking members of the Armed Forces, have publicly cast doubt on the electronic voting system. This attitude was softened in the last weeks prior to the election following a decision by the president of the *TSE* to intensify the transparency of the electronic ballot boxes, as seen in the case of the pilot project of the Biometric Integrity Test.<sup>2</sup>

For its part, civil society reacted strongly to the attacks on the electronic voting system, the *TSE*, the Supreme Federal Court (in Portuguese: *Supremo Tribunal Federal, STF*), and its ministers. Although several political candidates have used the incitement to violence as a political strategy to attract their electorate, was an important counterbalance, including involving the international community (intensified after a meeting organized by the current president with ambassadors in Brasilia<sup>3</sup>), and further promoted by the "Letter to Brazilians in Defense of the Democratic Rule of Law", published by the University of São Paulo, ratified by more than a million people.<sup>4</sup>

In this context, and aware of its role at this moment in the country, *TE Brasil* seeks to meet the demand for a legitimate channel for monitoring the organization of elections and enhancing citizen participation in the electoral process, which was accomplished through the national election observation. Through silent, impartial, objective and independent monitoring of the preelectoral/electoral and post-electoral periods, the teams of trained observers collected and provided important data that made

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<sup>1</sup> [TSE Ordinance nº 578/2021](https://www.tse.jus.br/comunicacao/noticias/2021/Setembro/tse-cria-comissao-para-ampliar-fiscalizacao-e-transparencia-do-processo-eleitoral). TSE. News. TSE creates commission to expand oversight and transparency of electoral process. Available at: <https://www.tse.jus.br/comunicacao/noticias/2021/Setembro/tse-cria-comissao-para-ampliar-fiscalizacao-e-transparencia-do-processo-eleitoral>

<sup>2</sup> <https://www.metropoles.com/brasil/justica/defesa-confirma-projeto-piloto-em-teste-de-integridade-das-urnas>

<sup>3</sup> <https://g1.globo.com/politica/noticia/2022/07/18/bolsonaro-reune-embaixadores-para-repetir-sem-provas-suspeitas-ja-esclarecidas-sobre-urnas.ghtml>

<sup>4</sup> <https://direito.usp.br/noticia/3f8d6ff58f38-carta-as-brasileiras-e-aos-brasileiros-em-defesa-do-estado-democratico-de-direito>



it possible to publish three press releases on election day (October 2), as well as this partial report for the first round.<sup>5</sup>

For 2022, the National Election Observation Mission, EOM (in Portuguese: *Missão de Observação Eleitoral Nacional, MOE*) was been expanded to be able to monitor the entire electoral process, and disseminate accessible information on technical points of the elections. The result is public consultation material, available to the entire national and international community. From this, the team of 98 observers across 13 states and the Federal District (Brasília), in more than 40 cities in Brazil<sup>6</sup> and in 7 countries<sup>7</sup> were able to monitor the 2022 elections and visit 267 national voting centers, observing 588 polling stations at the opening of voting and throughout the election day, as well as 92 polling stations at the close of voting. Since its inception, *TE Brasil's* EOM has followed issues such as candidate registration; electoral financing; electoral campaign; plurality of candidacies; political violence; preparation of poll workers; electoral technology; electronic voting system; and data transmission; counting and tallying of results, among others.

This report covers only what happened until the first round of the 2022 general elections. TE Brasil will continue following the Brazilian electoral process, and after the second round a new partial report of the National EOM 2022 will be issued.

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<sup>5</sup> On the 2020 elections, the TE Brasil published a partial report after the two rounds, as well as a final report. Cf. <https://transparenciaeleitoral.com.br/wp-content/uploads/2020/12/Relatorio-Parcial-TE-Brasil-Eleicoes-2020.pdf> for the partial and <https://transparenciaeleitoral.com.br/wp-content/uploads/2021/11/Relato%CC%81rio-final-Missa%CC%83o-de-Observac%CC%A7a%CC%83o-Eleitoral-Nacional-2020.pdf> to final.

<sup>6</sup> The teams have been incorporated: MG – Bambuí; Uberaba; Belo Horizonte; Piumhi; São Roque de Minas; Montes Claros. RJ - Rio de Janeiro; Niterói; Teresópolis. DF – Paranoá; Planaltina; Sobradinho; Taguatinga; Guará; Águas Claras; Ceilândia; Samambaia; Brasília. BA - Lauro de Freitas; Salvador. CE – Fortaleza; Juazeiro do Norte; Barbalha; Crato. MS – Dourados; Rochedinho; Campo Grande. PB – Conde; Santa Rita; Lucena; João Pessoa; Campina Grande. PR - União da Vitória; Ponta Grossa; Pinhais; Curitiba. SC - Porto União. RS - Passo Fundo. ES – Serra; Vitória. PA – Belém (with Ilha de Combu); Ananindeua; Ilha de Mosqueiro. SP -São Paulo; Santos; Franca. AM – Manaus.

<sup>7</sup> United States of America – Washington, D.C.; New York. Italy - Rome; France - Paris; Spain - Madrid and Barcelona; United Kingdom - London; Germany - Munich; Poland – Warsaw.



## 2) Election preparations

With the effects of the Covid-19 pandemic already mitigated due to the widespread vaccination of the population, the 2022 general elections followed the calendar established by the Brazilian Election Justice in Resolution N°. 23,674, dated December 16, 2021, and no specific health measures were necessary.

Below are some important points from this period.

### a. National and International Election Observation Missions

One of the novelties of the 2022 elections was the important presence of both domestic and international observers. The first experience with international missions was with the Organization of American States (OAS) during 2018 national elections and 2020 local elections. In 2020, *TE Brasil* carried out a pilot observation mission in five capital cities (Belém, João Pessoa, Fortaleza, Belo Horizonte and Curitiba).

After a successful pilot, *TE Brasil* supported the *TSE* to develop and pass Resolution N°. 23,678, on December 17, 2021, which allowed for the accreditation of another seven national observer entities for these elections.<sup>8</sup> Seven international missions also received accreditation, including ones with a specific technological scope.<sup>9</sup>

*TE Brasil* congratulates the *TSE* for approving the resolution that allowed the accreditation of several election observation missions. The practice is of great value and increases transparency, access to information, and electoral integrity. Moreover, the recommendations from different visions and methodologies can help to improve the procedures for organization and the electoral process in Brazil.

<sup>8</sup> <https://www.tse.jus.br/comunicacao/noticias/2022/Julho/eleicoes-2022-oito-entidades-nacionais-vaio-estabelecer-missoes-de-observacao-eleitoral-616379>

<sup>9</sup> <https://www.tse.jus.br/comunicacao/radio/2022/Outubro/eleicoes-tem-maior-numero-de-observadores-internacionais-da-historia>



It is recommended that this activity continue and become routine in all elections, given the important contribution of the missions' reports, both from the institutional point of view and for society. As a point for improvement, and in recognition of all the efforts made in this area by the *TSE*, *TE Brasil* suggests that the Brazilian Election Justice system increase training and information about the presence of electoral observers, both for permanent staff as well as for poll workers and voters, with a view to the second round.

With regard to voting day, although few in number, members of the *TE Brasil* Mission reported situations that prevented them from observing. These were resolved with the intervention of representatives<sup>10</sup> of the respective Regional Electoral Courts (*Tribunal Regional Eleitoral, TRE*), or with clarification by the observer about their role, and promoting dialogue.

On the other hand, *TE Brasil* is grateful for the excellent reception it received from the representatives of the *TREs* in all 27 federal units (26 states and the Federal District), as they provided valuable information for the work of the Mission and contributed to the quality of the data collection.

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#### **b. Poll worker – training and recruitment**

According to the Electoral Code in article 120, §2nd, the Brazilian Election Justice System launches a call for poll workers both as volunteers and by public summons. Also, according to article 10 of *TSE* Resolution nº 23.669, of December 14, 2021, the Brazilian Election Justice must give preference to volunteers.

In total, 1,864,227 poll workers responded, 47% volunteered and 53% were summoned.<sup>11</sup> In the observed polling stations, there is a lack of gender balance among these individuals. According to the data obtained, in 70% of the polling stations men were in the minority (with 2 or less poll workers). This data reflects the *TSE's* official

<sup>10</sup> Brazilian Election Justice officials who allow contact between observers and the electoral authority.

<sup>11</sup> <https://sig.tse.jus.br/ords/dwapr/seai/r/sig-eleicao-mesarios/home?session=4497627846458>



information, in which 68% of poll workers were women and 32% were men. Consistent with this outcome, the electoral authority informed the *TE Brasil* Mission that more women volunteer. This was verified in the official data of the *TSE*, since women make up 68.25% of the volunteer poll workers (1,269,746) and was corroborated in the expert hearings held by the Mission.

On the other hand, according to official data, there were 500 poll workers with the use of a chosen name (A chosen name (in Portuguese: *nome social* (refers to the name used by a Transgender individual rather than their given or legal name)), as well as 4,156 with some kind of disability (including visual, hearing, and mobility).<sup>12</sup>

It is worth mentioning that the Brazilian Election Justice explicitly promotes volunteer campaigns, as well as campaigns promoting the participation of women in the electoral process. It is understood that these efforts must continue in order to achieve greater gender parity in the composition of the polling tables, as already established by *TE Brasil's* 2020 Election Observation Mission.

In turn, training for poll workers for the 2022 elections was hybrid, both via the digital application called *Mesário*, which adopts the remote learning course format (which should be completed by the person before the first round of voting), and in-person training. The Mission was able to participate in one of the trainings in Belém and verified the content and methodology employed.

The training program is comprehensive and covers all the information necessary for poll workers to successfully complete their role. This year, points were included about the election observation missions which were reflected in the reception of observers at polling stations throughout the country. Occasional cases of obstruction to the observation work were identified involving poll workers.

As observed by the Mission, poll workers felt safe to carry out their activities, and stated that they had no doubts about procedures. Moreover, they were aware that they could count on *TRE* officials should they have any doubts about procedures or events.

<sup>12</sup> <https://sig.tse.jus.br/ords/dwapr/seai/r/sig-eleicao-mesarios/home?session=4497627846458>



For example, during the execution of some procedures, such as the closing of the voting, there were some doubts on the part of poll works, which were resolved with support from *TRE* officials. Observers also reported a need for substitution of poll workers based on attendance at 18% of the observed polling stations. Throughout election day, the Mission accompanied the work at polling stations and found that the preparation of the people working at polling stations (poll workers, *TRE* officials, etc.) may also be influenced by the location of the polling station. In this sense, *TE Brasil* suggests that voting centers more distant from urban centers receive more attention when preparing the training, as these elements can impact different strategies adopted, such as the distance learning course.

### c. Preparation of the voting centers

The choice of polling centers meets criteria established by the Brazilian Election Justice in partnership with local public administrations. In many cases, these locations have been polling centers for years and are known to the electorate. In others, there is a routine reorganization that takes place every election and also involves polling stations.

In 2020, *TE Brasil's* Mission found that many people did not know where to vote due to changes in voting centers and reshuffling of polling stations.

In 2022 the *TSE* promoted a public campaign for voters to use the application called *E-Título* to get information about their polling place. The Mission found no problems with people locating their polling station. In the polling stations and voting centers observed, 84% of the people had information about their polling station, the rest were able to find out from the Brazilian Election Justice's officials.





### 3) Registration of candidacies and analysis of the application

The 2022 general elections are aimed at filling the posts of President, State and Federal District Governors, Senators and Deputies (national, state and local). In 2022, official *TSE* data reports the registration of 29,262 candidacies.<sup>13</sup>

Based on the distribution of candidacies was: (i) 13 for President; (ii) 224 for Governor, (iii) 238 for Federal Senate (in Portuguese: *Senado Federal*); (iv) 10,630 for Chamber of Deputies (in Portuguese: *Câmara dos Deputados*); (v) 16,737 for State Deputies; and (vi) 610 for Local Deputies. One of the novelties for the 2022 general elections are party federations. According to Law 14.208/2021, two or more political parties may join together to form a federation, which, after its constitution and respective registration at the *TSE*, will act as if it were a single party. In 2022, 3 party federations were registered: *PSOL/REDE*; *PSDB/CIDADANIA* and *PT/PCdoB/PV*.

Among the total number of candidacy requests, 6,484 were rejected as of the writing of this report, but are under judicial appeal. Another 26,261 have been approved. The main reasons for rejection include: 72.2% due to missing a registration requirement; 9.78% due to the law called *Ficha Limpa* (a law which prohibits politicians who have been convicted in final court decisions from running for office); 16.38% due to the rejection of a party, federation or coalition; 0.85% due to an invalidated party; 0.63% due to abuse of power; 0.11% due to illegal spending of resources; 0.05% due to prohibited conduct by public agents.<sup>14</sup>

As observed in the 2020 elections, the numbers show that the examination of requests for registration does not occur in advance of election day and may even affect voting, with the inclusion of the names of rejected candidates in the electronic voting system.

Resolution n°. 23,609 of 2019 expressly provides that all candidacy registration requests, including the contested ones and the respective appeals, must be judged

<sup>13</sup> <https://sig.tse.jus.br/ords/dwapr/seai/r/sig-candidaturas/home?session=5228163849337>

<sup>14</sup> <https://sig.tse.jus.br/ords/dwapr/seai/r/sig-candidaturas/home?session=5228163849337>





urgently, and the decisions related to them published up to twenty (20) days before the election. However, in practice, due to the volume of candidate registrations, this deadline is not feasible.

However, during the 2022 election, there was an important improvement to the electronic voting machines which indicated if a candidate had been rejected (something of great value for the electorate, so that they may not vote for someone who is not in fact a candidate). The mission recommends renewed discussion of legislation on this point, in order to analyze the candidacy registration requests before the list of candidates is inserted in the ballot box.

According to the electoral legislation, it is possible for a candidate to continue campaigning even after a court decision denying his or her registration, provided that the decision can be appealed. Although this normative provision is necessary to guarantee the free exercise of fundamental political rights until a final decision, it is understood that this can negatively impact the information available to the electorate, who are unclear about who they can vote for, i.e., who is actually eligible to run for office. This situation makes it possible for the electorate to vote for someone who will later be declared unfit to run in the electoral process, which can discourage participation in the electoral process and mitigate society's confidence in the electoral process.

Therefore, this recommendation addressed to the Legislative Branch is an alternative both to preserve the political rights of the candidates, as well as the electorate's right to full information at voting time. It is suggested that the electoral campaign only begin with the definitive list of candidates eligible to run, facilitating this information to voters. This solution should be discussed among the Brazilian Election Justice, the National Congress of Brazil (in Portuguese: *Congresso Nacional do Brasil*) and specialists in the area, joining efforts to build a more adequate model.



### a. Candidacies by race/color/ethnicity

In the 2022 elections, according to official *TSE*<sup>15</sup>, data, 14,103 (48.2%) of the candidates declared themselves to be white; 10,579 (36.15%) declared themselves grayish-brown (in Portuguese: *pardo*); 4,133 (14.05%) declared themselves black; 186 (0.64%) indigenous; and 117 (0.4%) East Asians (in Portuguese: *amarelo*).

Importantly, for the first time in history since the 2014 elections, when racial self-declaration began, the number of black candidates, that is, the sum of self-declared black and grayish-brown people exceeded the number of white candidates. In 2022, 50.27% of the candidates declared themselves black or grayish-brown (totaling 14,712). In 2018, it was 46.5%, and in 2014, it was 44.24%.

The greater diversity in the candidates' profiles can be considered an advance and may be the result of public policies established in recent years by both the National Congress of Brazil and the Brazilian Election Justice, such as the enactment of Constitutional Amendment N°. 111/2021 determining that, for purposes of distribution among political parties of the resources of the Party Fund and the Special Campaign Finance Fund, FEC (in Portuguese: *Fundo Especial de Financiamento de Campanha, FEFC*), the votes received by black and grayish-brown candidates to the Chamber of Deputies in the elections held from 2022 to 2030 double.

Also, to increase the participation of the black population in the elections, the *TSE* instituted, by means of Ordinance 230/2022, the Commission for the Promotion of Racial Equality. According to the Court, Minister Benedito Gonçalves, institutional coordinator of the Commission, classified the adoption of measures to combat racism - through decisions in the Judiciary Branch and through the institution of public policies by the Legislative and Executive branches - as a path with no turning back.<sup>16</sup>

<sup>15</sup> [https://sig.tse.jus.br/ords/dwapr/seai/r/sig-candidaturas/g%C3%AAnero?p11\\_menu=COR\\_RACA&clear=RP&session=5228163849337](https://sig.tse.jus.br/ords/dwapr/seai/r/sig-candidaturas/g%C3%AAnero?p11_menu=COR_RACA&clear=RP&session=5228163849337)

<sup>16</sup> <https://www.tse.jus.br/comunicacao/noticias/2022/Marco/tse-cria-comissao-de-igualdade-racial-para-ampliar-participacao-de-pessoas-negras-nas-eleicoes>



This initiative was the result of the work done in 2021 on the theme of diversity and participation of the black population in the electoral process in the Working Group (in Portuguese: *GT*) for the Systematization of Electoral Standards (in Portuguese: *SNE*). The *GT/SNE* held a series of public hearings to promote the development of public debates about political participation and representation of the black community in the Brazilian electoral system. The initiatives aim not only at the need to increase the number of black candidates, but also at the effectiveness of these candidates. In other words, the objective is to raise the profile of black candidates with political viability, that is, with real electoral chances.

With this in mind, *TE Brasil* recommends that election authorities develop affirmative policies and reinforce existing ones in order to promote greater inclusion of these groups. Such policies should be thought of in the political sphere as a whole, accompanied by measures in the social sphere as well. Furthermore, it is suggested that the rules regarding the insertion of minorities through affirmative policies be clearer for all involved, as well as for society. This will ensure compliance by political parties and party agents.

The same recommendation goes for the benefit of other races and ethnicities, such as the Indigenous Populations. Although efforts are perceived in favor of these groups, it is necessary to continue with measures to boost their presence in politics, either through candidacies or through access to the vote.

On elected black candidates, the 2022 election elected more black people to the Chamber of Deputies, increasing from 123 (2018) to 135 (2022). As for Federal Senate, the representation of black people decreased to 22%, a notable drop compared to 2018, when it totaled 25.9%.<sup>17</sup> There is still no news about other positions, which will be reported in the partial report regarding the second round.

However, suspicions of fraud in self-identification only for campaign finance purposes are becoming more visible, even involving politicians who previously did not

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<sup>17</sup> Data from Portal *Poder 360*. Cf. <https://www.poder360.com.br/eleicoes/numero-de-deputados-negros-cresce-10-em-2022/>; and <https://www.poder360.com.br/eleicoes/22-dos-senadores-eleitos-sao-negros/>.



self-identify as racial or ethnic minorities. At this time, and following the example of the racial quota policy in universities, it is suggested that improvements be implemented for greater security in the racial self-identification of candidates, curbing fraud and promoting greater performance of existing measures. It is recommended that, in this process of debate for the improvement of racial measures in politics, there is dialogue between political parties, which are directly responsible for the registration of candidacies, and social groups that work on the subject.

## **b. Female Candidates**

The 2022 elections had a record number of female candidates, reaching a total of 9,892 registrations, representing 33.80%.<sup>18</sup> It is worth noting that Brazil has had a quota for 30% of candidates since 1994, as stated in Law 9504/97, article 10, § 3<sup>rd</sup>.

Although women represent 53% of the country's electorate, the number of women legislators in the Chamber of Deputies and the Federal Senate is well below the median.<sup>19</sup> Even though the aforementioned policy of candidacy quotas exists, the role of the Brazilian Election Justice system in the implementation of other measures to promote the women's political participation should be highlighted.

In order to combat fraud in the gender quota system (with the launching of fictitious candidacies by political parties), the Brazilian Election Justice has consolidated the understanding that the removal of all candidates registered by the party that presents a list containing demonstrably fictitious candidacies of women only to fulfill the quota must be ordered. In 2021, TSE Resolution n° 23.675 (article 16, §6<sup>th</sup>) states that non-compliance with the maximum and minimum limits of candidates per gender is sufficient cause for the rejection of the list of candidates presented by the parties or federation.

<sup>18</sup>

<https://sig.tse.jus.br/ords/dwapr/seai/r/sig-candidaturas/painel-perfil-candidato?session=5228163849337>

<sup>19</sup>

<https://www12.senado.leg.br/noticias/materias/2022/08/26/candidaturas-femininas-crescem-mas-representacao-ainda-e-baixa>





In turn, Constitutional Amendment 111/2021 was also created to increase representation in politics. The text of the amendment determines the double counting of votes given to women and black people in the calculation for the distribution of resources from the party and electoral funds.

As in the 2020 elections, the *TSE*<sup>20</sup> launched a campaign in the later half of 2021 to encourage women's participation in politics featuring actress and UN Women ambassador, Camila Pitanga. The *TSE* has been promoting the expansion of the presence of women in spaces of power, in search of a fairer and more equal society. Another initiative is the *TSE Women's*<sup>21</sup> webpage, created to inform and make society aware of the evolution and the current panorama of women's participation in politics in Brazil. This is one of the initiatives of the Gender Policy Management Commission, *TSE Women*, created in 2019 by *TSE* Ordinance N° 791/2019. The Commission acts in the planning and monitoring of actions to encourage female participation in politics and in the institutional life of the Brazilian Election Justice.

Despite all these initiatives and advancements, the 2022 elections still show some roadblocks for women. The numbers show an increase in the presence of women in the Chamber of Deputies (91 female deputies, corresponding to 17.7% of the total seats, up from 15% in 2018). Two transgender women were also elected, and women candidates received the most votes in nine Brazilian states.<sup>22</sup>

The overall increase in the number of female candidates also shows advances in the inclusion agenda. Black and mixed-race women accounted for 5,238 candidates (52.95% of the total). Among Indigenous candidates, women accounted for 85, compared to 101 male candidates. As for East Asians, there were 85 women, compared to 69 men.<sup>23</sup>

<sup>20</sup> <https://www.tse.jus.br/comunicacao/noticias/2021/Julho/tse-estreia-campanha-de-incentivo-a-participacao-feminina-na-politica-com-foco-no-combate-a-violencia-de-genero>

<sup>21</sup> <https://www.justicaeleitoral.jus.br/tse-mulheres/>

<sup>22</sup> <https://www.camara.leg.br/noticias/911406-bancada-feminina-aumenta-18-e-tem-2-representantes-trans/>

<sup>23</sup> <https://sig.tse.jus.br/ords/dwapr/seai/r/sig-candidaturas/painel-perfil-candidato?session=5228163849337>





These numbers were reflected in the election results. Besides the two Trans people elected to the Chamber of Deputies, of the five Indigenous People elected, four are women. At the state level, states like Rio Grande do Sul and Paraná elected their first black female state deputies in history. *TE Brasil* continues to obtain information about the other states and will complement this information in the partial report of the second round.

Given this, it is recommended that institutions continue investing in genderinclusive policies, and that this effort be intensified by National Congress of Brazil in order to adopt more effective legislation, complementing and improving the policy of quotas for candidates.

### c. LGBTIQA+ Candidates

Since the year 2018, transgender voters have been able to include their chosen name on their electoral card and thus appear on the voting list at the polling station. In 2022, 37,646 voters<sup>24</sup> used their chosen name on their electoral card and on the voting roll. This is in addition to candidates with a chosen name, which totaled 37 (30 female and seven male).<sup>25</sup>

According to the National Association of Transvestites and Transsexuals (in Portuguese: *Associação Nacional de Travestis e Transexuais, ANTRA*), there were 79 transgender candidates including 70 trans women (versus 52 in 2018); 5 trans men, up from 1 in 2018; and 4 non-binary candidates. Overall, this represents a 49% increase from 2018, when there were only 53 transgender candidacies, marking a new record.<sup>26</sup>

<sup>24</sup> <https://sig.tse.jus.br/ords/dwapr/seai/r/sig-eleicao-eleitorado/painel-perfil-eleitorado?session=5228163849337>

<sup>25</sup> [https://sig.tse.jus.br/ords/dwapr/seai/r/sig-candidaturas/nome-social?p7\\_menu=GENERO&clear=RP&session=365743287483](https://sig.tse.jus.br/ords/dwapr/seai/r/sig-candidaturas/nome-social?p7_menu=GENERO&clear=RP&session=365743287483)

<sup>26</sup> <https://antrabrazil.org/eleicoes2022/>



In turn, the project called *VoteLGBT.org* reports that 4 female federal deputies were elected including, 2 trans women, one lesbian, and one bisexual. At the state level, 12 LGBTIQ+ candidates were elected, out of a total of 324.<sup>27</sup>

In response, *TE Brasil* recommends that efforts to include these candidates increase, including directly with political parties, since this can help combat the discrimination that these groups are known to suffer in Brazil.

#### 4) Campaign Finance

In recent years, the campaign finance system in Brazil has undergone a significant change, migrating from an entirely private model to a mixed one with significant public financing.

In 2022, this change was the center of various controversies surrounding the amount allocated to both the FEC and the Party Fund (the latter intended for parties, but whose resources can be used by individual campaigns by legal authorization).

One of the controversies was analyzed by the *STF*, in the Direct Unconstitutionality Action n° 7058, discussed the significant increase in the value of the FEC to more than twice the amount allocated for the 2020 elections. This increase was approved by the National Congress of Brazil during debates on the Budget Guidelines Law in 2021. The *STF* declared the constitutionality of this law, understanding that the increase in value was a matter reserved for the political sphere of the national legislature.

At the same time, there is minimal private financing of campaigns, although there is the possibility of small donations through collective funding of campaigns (Article 23, IV, Law 9504/97). However, it can be seen that the electorate is not engaged with this alternative, and candidates with these specific characteristics are reserved for a specific audience.<sup>28</sup>

<sup>27</sup> <https://votelgbt.org/2022>

<sup>28</sup> <https://doi.org/10.1590/0034-761220200876>





It is also worth highlighting the attempts to weaken the controls of campaign and political party financing, either through the New Electoral Code Bill (PLP 112/2021), or by maintaining a system of accountability that has been in place for years and whose procedure, although it is subject of attention by the Brazilian Election Justice, may not yet be sufficient to achieve the most efficient result.

Transparency about campaign finance data and application of the General Law of Data Protection (LGPD, Law N°. 13,709, of August 14, 2018) is also an area of concern. For months, it was discussed how to apply the law so as not to harm transparency and access to information through the platform called *DivulgaCand* (a tool that records the progress of the economic flow of campaigns and donors). The TSE created a Working Group to discuss the application of the law, and there have been court decisions about this issue.<sup>29</sup> Civil society has also remained engaged in the debate, fearing a setback in data transparency.<sup>30</sup>

#### a. Public funding: access and distribution

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Another controversy surrounded the division of public funding among the, political parties, confirming the unequal profile contained in the current legislation, which could reconfigure the party system present in the legislative houses.<sup>31</sup> Here is how resources were divided among the 10 parties that received the:

2022 – R\$ 4.961.519.777.00<sup>32</sup>

<sup>29</sup> Administrative Process 06000231-37, judged on August 18, 2022.

<sup>30</sup> [https://politica.estadao.com.br/blogs/coluna-do-estadao/wp-content/uploads/sites/352/2021/08/manifesto-ao-congresso-nacional-novo-codigo-eleitoral2\\_180820213102.pdf](https://politica.estadao.com.br/blogs/coluna-do-estadao/wp-content/uploads/sites/352/2021/08/manifesto-ao-congresso-nacional-novo-codigo-eleitoral2_180820213102.pdf)

<sup>31</sup> According to Article 16-D, the resources are divided: (i) 2% equally among all parties registered in the TSE; (ii) 35% among the parties that have at least one representative in the Chamber of Deputies; (iii) 48% among the parties in proportion to the number of representatives in the Chamber of Deputies, considering the legends of the incumbents; (iv) 15% among the parties in proportion to the number of representatives in the Federal Senate, considering the legends of the incumbents.

<sup>32</sup> [https://www.tse.jus.br/++theme++justica\\_eleitoral/pdfjs/web/viewer.html?file=https://www.tse.jus.br/co-municacao/noticias/arquivos/calculo-do-montante-do-fefc-para-as-eleicoes-2022/@\\_@download/file/TSE-calculo-distribuicao-fefc-eleicoes-2022.pdf](https://www.tse.jus.br/++theme++justica_eleitoral/pdfjs/web/viewer.html?file=https://www.tse.jus.br/co-municacao/noticias/arquivos/calculo-do-montante-do-fefc-para-as-eleicoes-2022/@_@download/file/TSE-calculo-distribuicao-fefc-eleicoes-2022.pdf)



UNIÃO	R\$ 776.539.652,02
PT	R\$ 499.600.297,43
MDB	R\$ 360.347.998,12
PSD	R\$ 347.240.187,15
PP	R\$ 342.432.857,19
PSDB	R\$ 317.291.889,91
PL	R\$ 286.707.146,46
PSB	R\$ 267.018.102,45
PDT	R\$ 251.579.810,35
REPUBLICANOS <sup>7</sup>	R\$ 240.623.848,78

In addition to the concentration of resources in parties with larger representation in National Congress of Brazil, there is also an issue of the internal division of resources within associations, which may suggest that the current model creates economic and political incentives that could potentially accentuate the already existing problems of internal democracy.

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In conversations with experts, it's clear that most parties have directed their strategies on maintaining their seats in the Chamber of Deputies, as well as on already current representatives seeking re-election. This is reflected in the percentage of candidates seeking re-election, which reaches 453 out of a total of 513.<sup>33</sup>

Therefore, the Mission suggests a reflection on the medium and long-term effects of this financing model, which may not impact condition party strategies for a greater focus on the Chamber of Deputies, but also lead to a narrow classification of candidacies that will benefit from public resources. It is understood that the political factor has a direct impact on this point, but the need for a better balance between the economic capacity of the candidates cannot be ruled out.

<sup>33</sup>

<https://sig.tse.jus.br/ords/dwapr/seai/r/sig-candidaturas/reelei%C3%A7%C3%A3o?session=365743287483>





## b. Funding for women candidates and Black people

The 2022 elections were the first to count on the application of Constitutional Amendment N°. 117 of 2021, which determines double counting of votes for purposes of calculating FEC resources with respect to women and Black candidates. This rule is the result of affirmative action originating from the Judiciary Branch that involved both the *TSE* and the *STF*, as highlighted in the Final Report of the *TE Brasil* 2020 National Election Observation Mission.<sup>34</sup>

According to the 72-hour Platform, which monitors campaign financing based on official data from *DivulgaCand* (*TSE*), out of a reported R\$5,605,954,902.00, white men received 48%, white women received 16.7%, grayish-brown men received 18.2%, Black men received 7.7%, grayish-brown women received .7%, Black women received 3.9%, Indigenous women received 0.2%, Indigenous men received 0.4%, East Asians women received 0.1% and East Asians men received 0.3%.<sup>35</sup> These numbers suggest that, regardless of race or ethnicity, gender matters. As is clear, women of all races received less financing than their male counterparts.

Throughout the electoral period, *TE Brasil* observed cases involving women who even considered giving up their campaigns due to the lack of public resources allocated by their parties. At the same time, the allocation of resources based on race also caused controversy as candidates must self-identify their race.

Due to the framework of campaign finance restrictions caused by the mostly public model of electoral financing, it is possible that the contradiction between a high total amount destined for the FEC and the inequality in access and division of these resources may cause frustration about the impacts of the proposed affirmative action for women and black people. At this point, we reiterate the recommendations made in previous topics to continue insisting on improving the impacts of these measures so that the representation of these groups can improve.

<sup>34</sup> <https://transparenciaeleitoral.com.br/wp-content/uploads/2021/11/Relato%CC%81rio-final-Missa%CC%83o-de-Observac%CC%A7a%CC%83o-Eleitoral-Nacional-2020.pdf>

<sup>35</sup> <https://72horas.org/>



## 5) Political Violence

### a. General context (electorate, poll workers, Brazilian Election Justice staff, activists)

As reported in the political context brought at the beginning of this report, political violence has entered the Brazilian scenario with force. In 2020 the data already indicated the growth of cases involving candidates and militancy<sup>36</sup>, and in 2022 there seems to be a correlation between political ideology and violence. Throughout the Mission, we observed an increasing amount of cases reported by the press involving heated discussions, which even ended in physical violence (assaults and murders), as well as threats and damage to property, for political reasons<sup>37</sup>

The theme has also gained relevance in the organization and conduct of elections. Data indicates that in recent years there has been an increase in of firearms ownership among Brazilians, with an increase in the circulation of weapons among civilians of 94% between 2018 and 2021.<sup>38</sup> Some cases reported by the press also point out that people leave their homes armed and may end up causing risky situations for the general population, which could occur during the campaign and on voting day in the face of some kind of political disagreement.

With this in mind, the *TSE* has taken some unprecedented measures to increase public safety in the 2022 elections, such as banning the use of cell phones during voting and the use and carrying of weapons during election day.<sup>39</sup> In turn, the *STF* suspended

<sup>36</sup> As indicated in the Final Report of the 2020 National Election Observation Mission. Cf. <https://transparenciaeleitoral.com.br/wp-content/uploads/2021/11/Relato%CC%81rio-final-Missa%CC%83o-de-Observac%CC%A7a%CC%83o-Eleitoral-Nacional-2020.pdf>

<sup>37</sup> Cf. <https://www.correiobraziliense.com.br/politica/2022/09/5039729-casos-de-violencia-politica-disparam-na-reta-final-da-campanha.html>

<sup>38</sup> <https://igarape.org.br/temas/seguranca-publica/regulacao-de-armas-e-municoes/>

<sup>39</sup> <https://www.tse.jus.br/comunicacao/noticias/2022/Setembro/tse-altera-resolucao-e-regulamenta-entrega-do-celular-aos-mesarios-e-proibicao-de-porte-de-arma-nos-locais-de-votacao>





parts of the decree that relaxed the purchase and carrying of weapons, also impacting the elections.<sup>40</sup>

In the electoral campaigns, the candidates who felt most threatened proceeded with specific security protocols during public rallies or events, and there were cases of cancellation of events due to lack of security.<sup>41</sup> Several candidates reported threats on social networks, often using social networks themselves to denounce them.

With regard to poll workers, news was published about the fear reported by some, which may have encouraged some to give up their position.<sup>42</sup> Regarding poll workers, the Mission heard from many throughout the country, reflecting a position that oscillates between security of the process to the fear of what might happen on voting day. There were also several news reports from around the country reporting direct attacks on Brazilian Election Justice<sup>43</sup> buildings and violence against poll workers.<sup>44</sup>

Although the picture described caused apprehension, during election day the Mission witnessed a peaceful voting day, with few incidents involving violence, whether against candidates, voters, poll workers and/or employees of the Brazilian Election Justice. However, there were a few isolated cases. Two members of our team, one in São Paulo and the other in Campina Grande/Paraíba were harassed by supporters of a political group. There were no serious consequences.

Such events cannot be allowed in a democracy. Every act of violence in the political sphere must be directly combated so that citizens may freely exercise their political rights. Full freedom to vote must be guaranteed for all voters and people involved in the electoral process, and all candidates must be able to run their campaigns in full, reaching the population, who have the right to know who is running for office.

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<sup>40</sup> Fachin suspends Presidential decrees relaxing the purchase and carrying of weapons.

<https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=493519&ori=1>

<sup>41</sup> For example, cf. <https://www.cnnbrasil.com.br/politica/lula-cancela-evento-de-estreia-da-campanha-por-questoes-de-seguranca/>

<sup>42</sup> <https://oglobo.globo.com/politica/eleicoes-2022/noticia/2022/09/mesarios-misturam-apreensao-e-desejo-de-participar-das-eleicoes-em-meio-a-polarizacao-e-ataques-a-justica-eleitoral.ghtml>

<sup>43</sup> <https://g1.globo.com/ro/rondonia/noticia/2022/06/10/tiroteio-acontece-no-predio-do-tre-ro-em-porto-velho.ghtml>

<sup>44</sup> <https://www.correiobraziliense.com.br/politica/2022/03/4992320-servidores-se-preocupam-com-violencia-e-intolerancia-nas-eleicoes.html>





Therefore, the National Election Observation Mission 2022 repudiates all violent acts it has witnessed throughout the electoral period and beyond, and urges all those involved in discourse that may provoke violent reactions not to act in this manner, adhering to the values of the Inter-American Democratic Charter and the 1988 Federal Constitution regarding democracy and political rights.

The Mission also emphasizes the need to improve the justice system so that cases of this nature are prosecuted in the proper manner and within the legal framework, such as classifying these cases as classification as political violence, considering that situations typified as "malicious intent", as permitted by Brazilian law, may not be the most appropriate alternative.

It is worth mentioning that in 2021, Law 14.197, of September 1<sup>st</sup>, was approved, inserting in the Penal Code article 359-P to typify political violence. At the same time that the norm contained in this provision must be applied, its scope of application must also be delineated, so that persecutions that go beyond legality and the principles of criminal law are not committed.

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## **b. Gender political violence**

Since then, institutions have begun to act to prevent and investigate crimes of this nature. Also in 2021, the Observatory of Political Violence Against Women proposed the signing of an institutional agreement with the Federal Prosecution Service (in Portuguese: *Ministério Público Federal, MPF*) and the Electoral Prosecutor's Office (in Portuguese: *Procuradoria-Geral Eleitoral, PGE*) to work together to develop an action plan to prevent and combat political gender violence, with a view to the 2022 electoral process, according to Ordinance N°. 7 of June 17. From this agreement, a Working Group was structured with members of the Office of Federal Prosecution, representatives from the Chamber of Deputies, the Federal Senate, the Federal Council of the National Bar Association of Brazil (in Portuguese: *Conselho Federal da Ordem dos Advogados do Brasil*), civil society, and international organizations such as the



United Nations, in order to be able to process the complaints that are made by women victims of this type of violence.

Thus, the *MPF* created an official channel for individuals to denounce acts of political violence against women, in order to investigate cases involving this type of violence.<sup>45</sup> In addition, a protocol was signed between the *GT* of the *PGE-MPF* and the *TSE* to address complaints of gender-based political violence. At that time, the Third Edition of the campaign "Gender Political Violence Exists!" was launched by the *TSE* in conjunction with the Observatory of Political Violence Against Women (in Portuguese: *Observatório de Violência Política Contra a Mulher*) and the Federal Prosecution Service, addressing the various types of violence that can occur, as well as explaining how it is possible to make complaints on the *MPF*<sup>46</sup> website.

These institutional efforts in conjunction with work by civil society made it possible for the issue to enter the public agenda, something that was reflected throughout the campaign with the mention of the phenomenon of political violence even in debates between the presidential candidates by the two women candidates.

These are important steps towards denaturalization the problem, thus providing more awareness about the seriousness of these occurrences, as well as making it possible to punish the aggressors within the framework of the law. Although it is understood that there is still much to be done, considering the explicit deficit of women's participation in formal Brazilian politics (as candidates, as elected officials, and as leaders of political parties), the Mission congratulates the engagement with the topic, encouraging political actors as a whole to join this cause due to its importance for a greater democratic integrity in Brazil.

The final report will also include a more in-depth analysis with all the data collected by the specific team of observers for the examination of gender political violence.

<sup>45</sup> <https://www.mpf.mp.br/pgr/noticias-pgr/violencia-politica-de-genero-denuncie-aqui/view>

<sup>46</sup> <https://www.tse.jus.br/comunicacao/noticias/2020/Novembro/tse-lanca-campanha-201cviolenca-politica-de-genero-existe201d?SearchableText=violencia%20pol%C3%ADtica%20de%20genero%20existe>





## 6) Voting day

Voting day ran smoothly, and no incidents were identified that could compromise the regularity of the voting process in the country and abroad. In this topic, we will present the data collected by the team of observers throughout the election day.

### a. Voter participation

Although long lines were seen in many polling stations in Brazil and abroad, according to official *TSE* data, voter participation remained average, with 20% abstention (approximately 31 million voters).<sup>47</sup> Queues were also observed at the end of the election day in 26% of the polling stations observed by the Mission, which also impacted data transmission in some locations, albeit without prejudice to the tallying of the votes.

The polling stations observed started voting on schedule, between 08:00 am and 08:30 am. Observers witnessed the procedures for starting voting with the issuing of the zero ballot (in Portuguese: *zerésima*), with some very specific incidents that required the intervention of Brazilian Election Justice officials. In all cases, voting proceeded normally.

### b. Voting centers and accessibility

The Mission members visited polling centers in different regions of the cities, allowing for diversity of polling stations that were the object of observation. Some observers went to indigenous villages (in the city of Dourados, MS); to islands (in Belém do Pará and Mosqueiro, PA), as well as to rural cities and large capitals. In view

<sup>47</sup> <https://www12.senado.leg.br/tv/programas/noticias-1/2022/10/eleicoes-2022-abstencoes-superam-31-milhoes-e-correspondem-a-20-dos-eleitores>



of this, it was possible to verify some incidents that occurred throughout the country involving accessibility, as mentioned in the Final Report of the 2020 Mission.

Several situations were reported where it was difficult for voters with mobility problems to get to the polling centers, either due to overcrowding in the centers, which already had lines; or due to elevators not working; the impossibility for wheelchair users to access the polling station, which prevented them from casting their vote; or problems in the surroundings of the polling center. In numbers, 23% of the centers observed were not accessible for people with disabilities, and 36% did not have special polling stations.

In conversations with municipal governments, the Mission was able to verify that the concern with the theme is not uniform in that municipalities, accessibly varies between departments responsible for promoting accessibility, to others in which ignorance of any public policy in this regard was alleged.

This issue is crucial for access to the vote. All the efforts of the Brazilian Election Justice to guarantee access to voting centers, regardless of their location, are acknowledged. However, the solution must also be addressed with the municipal, district, state, and federal governments, so that it is possible to elaborate effective public policies that not only aim at the moment of voting, but also allow people with disabilities to have a normal life, with autonomy and independence.

On the other hand, it is important to mention the initiative promoted by the TRE of Paraná to enable voting inside a hospital, in the city of Curitiba. The initiative included the presence of observers, which took place in the Hospital called *Hospital das Clínicas*, enabling access to voting for doctors, nurses, and patients. There was a great mobilization of the Hospital's team, of the *TRE-PR*, and the poll worker, with adequate organization on election day.

The large number of hospital employees justified the measure, especially since they were on duty. Patients also voted, although in smaller numbers. The Mission congratulates the *TRE-PR* and the Hospital called *Hospital das Clínicas* for the initiative and hopes the experience continues, and that it can be replicated in other health institutions.



Another topic that should be mentioned is the amount of elderly voters around the country and the difficulties revealed with the technology of elections. Although all the benefits that technology brings to the electoral process are acknowledged, this difficulty that affects older people may be hindering their access to voting. Elements such as QR codes for elderly people who don't have smartphones, for example, or who have little familiarity with the new model of the electronic ballot box, should be something for the *TSE* to consider so that it develops education campaigns for voting, considering that there are already campaigns for this social group to participate in the voting. Many cases were witnessed by the Mission that may have possibly contributed to the formation of queues, which shows the importance of improving on this issue.

### c. Overseas voting

In the pre-electoral stage, the *TE Brasil* team approached different consulates on an ad-hoc basis. In cases such as London, there was full collaboration and access to the consulate, while in other cases, such as the Spanish consulates, communication was not facilitated, making it impossible to monitor the preparation of the polling stations. In the other countries observed it was possible to establish a prior relationship with the authorities of the Brazilian missions abroad.

On election day, all observers overseas had adequate access to the polling locations and to the organization of the day with great availability of the election authorities abroad. The heads of the Ministry of Foreign Affairs (in Portuguese: *Ministério das Relações Exteriores, MRE, Itamaraty*) missions, ambassadors or consuls, depending on the city being observed, showed great willingness to cooperate with the observation activity and to provide the information requested by the observation team.

The opening of voting abroad took place without any major problems. Some cities such as Madrid, London and Washington, D.C. experienced technical problems in a minority of the ballot boxes. Nevertheless, the ballot boxes with problems were



promptly replaced with paper ballots and voting took place without any further problems.

The opening of voting abroad took place without any major problems. Some cities such as Madrid, London and Washington, D.C. experienced technical problems in a minority of the ballot boxes. Nevertheless, the ballot boxes with problems were promptly replaced with paper ballots and voting took place without any further problems. The opening hours were respected in all observed polling stations, with only a few minutes of delay.

Voting day was marked by long lines in most of the polling stations abroad. Washington, D.C., Madrid and New York had the longest queues, but cities like Barcelona also faced queues for specific electoral sessions, due to the distribution system by region of residence. Thus, within the same electoral district, residents of regions with a higher Brazilian population faced longer lines at their sections, in comparison to other tables dedicated to voters from regions less populated by Brazilians or with greater distances that negatively affected turnout.

The longest lines were observed in the United States of America. The crowded voting centers in Washington, D.C. and New York even prompted election authorities to consider a ticketing scheme, fearing that voting could not be completed on time. The waiting period at these locations exceeded one hour. Soon, the flow was reduced at the end of the day so that the polling stations could be closed at the pre-set time, with no voters standing in lines.

Many voters were observed to identify with their candidates' preferences, particularly since this was an election for the presidency only for the electorate residing abroad. No conflicts or friction between voters were observed, with the exception of New York. During the afternoon, groups of supporters of the two main candidates gathered in the street in front of the polling station, eventually provoking the opposing group. The local police were called, but according to the local police themselves, their presence there was justified more to prevent such groups from occupying the street disturbing the traffic than for fear of an eventual physical confrontation.



The closing of the voting took place on schedule, with no long lines of voters at the closing moment. There were no major problems in counting the votes by precinct, just the usual delay with paper ballots. A single incident was reported in New York: the digital media did not load the ballot box data and was empty at the time of transmission. Since the ballot box bulletin had already been printed, the votes could be considered by direction from the *TSE* to the Consul-General of Brazil, and there was no damage to the voting.

The transmission of results occurred quickly abroad. Only the cities that needed to count paper ballots took a while to start the transmission, which was also done quickly.

#### **d. Voting in detention centers**

The *TE Brasil* Mission also accompanied voting by incarcerated people at one detention center (in Portuguese: *Presídio Alvorada*), in the municipality of Montes Claros, Minas Gerais. It is worth mentioning that the team of observers contacted other *TREs* to obtain authorization but for logistical reasons, this was the only facility chosen. *TE Brasil* appreciates the efforts of the *TRE-SE* and *TRE-SP*, which also made themselves available to collaborate with this strategy of electoral observation, and is very grateful to the *TRE-MG* for all the arrangements to allow an observer in detention center called *Presídio Alvorada*, which involved members of the Brazilian Election Justice; the Auxiliary Judge of the Comptroller and President of the Commission of Provisional Prisoners and the Director of detention center called *Presídio Alvorada*, highlighting the unprecedented participation of a National Election Observation Mission to monitor the voting of provisional detainees.

To enter the detention center, observers were not able to enter with electronic devices, including cell phones. The detention center staff registered the entry by means of an official ID document.



Then, the observer was directed to an administrative room, where the voting took place, which was not actually located inside the detention center, but in the entrance courtyard. The poll workers were already there, and by 07:40 am the polling station was already organized for the beginning of voting, with the booth in place and the list of candidates posted in a place visible to male and female voters. The poll workers were informed in advance that they would be at Montes Claros Socio-education Center (the Socio-education Centers are the service units that carry out the socio-educational measures that integrate the network of attention to adolescents in conflict with the law in the State) and all volunteered to work in the electoral process.

At 08:00 am, the zero ballot and the summary were issued and posted outside the room, also in a visible place. Before the start of the voter induction, a detention center employee handed the election judge/poll worker a list with the inmates who were going to vote in the section. Initially, 45 individuals were eligible to vote. According to information provided by the employees, there would be 44 prisoners and female employee who had requested the transfer of her voting location to the detention center. However, the list delivered by a detention center server contained 26 prisoners, 14 from the male wing and 12 from the female wing. It is noted that in the female wing there was one trans detainee identified by her chosen name. However, of these 14 prisoners in the male wing, it was informed that one had been transferred from the detention center, totaling only 13 voters in the male wing and 12 in the female wing, still considering the female employee eligible to vote.

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Voting began around 08:30 am - 09:00 am, with the arrival of the prisoners from the men's wing. They were brought in by the detention center guards and entered the room where the voting booth was located two at a time. While one inmate went through identification and registration with the poll worker, another was already in the voting booth.

After all 13 prisoners in the male ward voted, the 12 female prisoners were brought in, with the same procedure. By 10:15 am, all 25 inmates eligible to vote had voted.



At 05:00 pm, the poll worker closed the voting with the printing of the ballot box bulletins, and one of the ballot box bulletins was fixed next to the zero ballot outside the room. At the end of the necessary procedures, the ballot box was duly stored and handed over to a military police officer who collected it.

The process as a whole took place normally, with no problems registered in operational terms or involving male and female prisoners. All the employees involved in the observation process were also very helpful at all times. Only one attempt at influencing the vote was observed, when a voter could not remember the number of his candidate, and then a person from outside the room said the number out loud.

The Mission congratulates the *TRE-MG* for its efforts in making voting possible for provisional detainees, as well as all the other *TREs* that are known to be working hard to give this population access to voting. The Mission will continue to monitor this vote in the second round as well.

## 7) Integrity of the electronic voting system

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Over the past four years, there has been an increase in public speeches questioning the electronic voting system. Although the issue is not new in Brazilian history (it has already been the subject of article 4 of Law n° 10.408/2002; article 5<sup>th</sup> of Law n° 12; 034/2009 and article 12 of Law n° 13. 165/2015, as well as the matter already having been submitted to the *STF* (ADIs 4543 and 5889), from 2018 it was possible to observe the forcefulness adopted by public authorities to generate distrust in elections and in the electronic voting machine. This was reflected in society by the growth of people who adhered to this discourse, from a movement of disinformation promoted in several (if not all) social networks, to a greater or lesser extent.<sup>48</sup>

One of the situations in which the debate became more heated was during the passage of PEC 135/2019 that occurred between 2021 and 2022, which proposed the

<sup>48</sup> <https://www.tse.jus.br/imprensa/noticias-tse/2020/Novembro/noticias-falsas-sobre-urnas-eletronicas-sao-as-mais-compartilhadas-nas-redes-sociais-1>







adoption of what was popularly called printed voting. Even with the participation of civil society through public hearings, which forced the debate to be opened outside the Chamber of Deputies, the Special Commission that was established for the processing of the PEC proposed, in its final report, the public and manual counting of compulsorily printed votes, as well as that a future law on the execution and procedures of voting which would have immediate application, affecting the 2022 elections.<sup>49</sup>

It is worth mentioning that this Commission's final report was rejected by a vote of its members, just as it was not approved by the Chamber of Deputies, failing to receive the number of votes required for the approval of the constitutional amendment.<sup>50</sup>

On the other hand, the *TSE* made institutional efforts through an active agenda to prevent and combat attacks on the electronic voting system. In order to inform society about the electronic voting system, as well as to combat the misinformation surrounding the subject, a specific webpage was created to inform citizens about the electronic voting system in a more accessible and user-friendly language<sup>51</sup>; it also produced information and fact-checking content for social networks.<sup>52</sup> As part of the institutional dialogue, the then President of the *TSE*, Justice Luis Roberto Barroso, participated in a hearing and public acts at the Chamber of Deputies to explain details about the system;<sup>53</sup> followed by the invitation and reception of a group of parliamentarians to the *TSE*, for a technical visit on the electronic voting system.<sup>54</sup>

In addition, the *TSE* developed a unique agenda around electoral integrity for future elections (reaching 2022) through the establishment of an CTE and an Election

<sup>49</sup> <https://www.camara.leg.br/noticias/790001-relator-da-proposta-de-voto-impresso-preve-contagem-manual-e-publica-de-votos-nas-eleicoes/>

<sup>50</sup> <https://www.camara.leg.br/noticias/792343-camara-rejeita-proposta-que-tornava-obrigatorio-o-voto-impresso/>

<sup>51</sup> <https://www.justicaeleitoral.jus.br/spe/#spe-voce-fiscal>

<sup>52</sup> <https://g1.globo.com/politica/noticia/2021/05/14/nos-25-anos-da-urna-eletronica-tse-lanca-campanha-sobre-seguranca-do-voto.ghtml>

<sup>53</sup> The video of Minister Luís Roberto Barroso's participation in a public hearing at the Plenary of the Chamber of Deputies can be accessed at: <https://www.youtube.com/watch?v=lx60sv5Kcg>

<sup>54</sup> <https://www.tse.jus.br/imprensa/noticias-tse/2021/Junho/presidente-do-tse-abre-evento-de-apresentacao-do-sistema-eletronico-de-votacao-a-parlamentares>



Transparency Observatory.<sup>55</sup> Among the measures envisaged were: (i) the reformulation and expansion of the "parallel voting", which will now be called "integrity test", with the corresponding increase in sampling; of publicity and the strengthening of auditing, with the participation of the Federal Court of Audits (in Portuguese: *Tribunal de Contas da União, TCU*); (ii) the opening of the source code of the electronic ballot boxes, which has always occurred on the premises of the *TSE*, with the realization of a pilot project for the examination of the code outside the *TSE* premises, this being a demand from technology experts<sup>56</sup> (iii) the expansion of the public security test, with more participants and more visibility, and greater dissemination of this; (iv) the certification of the security of the electronic voting process by an external specialized agency, such as the *TCU*; (v) the expansion of the program to combat disinformation at the *TSE*, which will become a permanent program; (vi) the reinforcement of the *TSE*'s cybersecurity center; and (vii) the creation of a broad communication strategy aimed at increasing the population's knowledge of the voting process, demonstrating that voting in Brazil is secure, confidential and auditable. All these measures are part of the Action Plan developed and approved by the *CTE*.<sup>57</sup>

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*TE Brasil* participated in all these stages, as a member of *CTE*. As an Election Observation Mission, it participated in the stages that took place closer to the date of the elections, based on its accreditation as a monitoring entity.

Throughout 2022, there were conflicts involving the *TSE*, the Federal Government, and the Armed Forces, which are also part of the *CTE*. Episodes of direct confrontation occurred, with some moments of great tension between the authorities involved, mainly due to specific demands coming from the Armed Forces about the electronic voting system (such as an increase in the sample number of ballot boxes for the integrity test and the performance of this test in ballot boxes with biometrics).

<sup>55</sup> The Commission is composed of all the country's institutions, technology experts and representatives of civil society. More details in TSE Ordinance N°. 578/2021.

<sup>56</sup> Cf. TSE Ordinance n° 107 de 2022.

<sup>57</sup> <https://www.tse.jus.br/imprensa/noticias-tse/2021/Outubro/plano-de-acao-da-comissao-de-transparencia-das-eleicoes-e-apresentado-nesta-segunda-4>



In addition, the *TSE* also reinforced the integrity test, with a pilot project that included biometrics. The *TCU*, which is one of the inspection entities, also performed an analysis and audit work both in the electronic ballot boxes and in the verification of ballot papers, according to reports sent to the *TSE*.

In light of this, it can be seen that the 2022 elections are being held in a challenging context that may culminate in the delegitimation ((also spelled delegitimation) is the withdrawal of legitimacy, usually from some institution such as a state, cultural practice, etc. which may have acquired it explicitly or implicitly, by statute or accepted practice) of democracy as a whole. *TE Brasil* reassures the authorities, political agents and entities to be responsible for their pronouncements about the electronic voting system and its consequences, considering that by using the debate about the functioning and reliability of the system, one can also be undermining the democratic system, which is based on social trust. In addition, personalizing the discussion in the way it was possible to verify can also produce a deinstitutionalization of the issue, making it a political flag (We call political flags the great objectives or causes outlined and announced by the political parties and their members, which arise from their worldviews and how existing problems should be tackled. Each party and representative should have their own well-defined flags, which should be above any particular interest) that also leads to the delegitimation of electoral integrity.

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The Mission considers that the debate on the electronic voting system should be carried out in an environment of rationality and transparency, involving society and the institutions. It is understood that important steps have been taken towards better access to information and understanding of the technology employed by the Brazilian Election Justice, something which cannot be interrupted, but rather intensified. In this sense, the *TSE* has an important role, involving education for voting, combating misinformation (as it already does through the Permanent Committee to Combat Disinformation<sup>58</sup> and through the agreements made with digital platforms<sup>59</sup>), and should

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<sup>58</sup> *TSE* Ordinance n° 510/2021.



continue its efforts to bring the citizenry closer to the electronic voting system, generating more and more social confidence both in voting and in the results.

#### a. Stages of auditing the electronic voting system

As already mentioned in this report, the *TE Brasil* Mission participated in all stages of auditing and preparation of the electronic ballot boxes for the 2022 elections, either as a member of the *CTE* or as an observer entity.

Regarding the Public Safety Test, *TE Brasil* obtained access to all the reports that were generated, including through the pilot project for the inspection of the source code outside the *TSE* premises, conducted jointly with the Federal University of Pernambuco, the University of São Paulo and the University of Campinas. In all three cases, the findings were considered normal, and there were no inconsistencies that could compromise the security of the electronic voting system.<sup>60</sup>

The *TE Brasil* Election Observation Mission team witnessed both the finalization ceremony and the sealing of the electronic ballot box software by means of digital signature (after the completion of all the tests, including by the inspection entities<sup>61</sup>), *TE Brasil* also witnessed several moments of generation of the media that are inserted in the electronic ballot box (flash cards with the list of candidates and results media), as well as the sealing of all ballot boxes with an official seal, signed by election authorities. *TE Brasil* attended these events in all 26 states and the Federal District, in several electoral district where it was possible to observe this procedure. Events also included the ballot box self-testing, auditing procedures, and the presence of inspection entities.

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<sup>59</sup> <https://www.tse.jus.br/comunicacao/noticias/2022/Fevereiro/tse-e-plataformas-digitais-assinam-acordo-nesta-terca-feira-15>

<sup>60</sup> <https://www.tse.jus.br/comunicacao/noticias/2022/Agosto/universidades-validam-nova-urna-e-codigos-fonte-dos-sistemas-eleitorais-357621>

<sup>61</sup> <https://www.tse.jus.br/comunicacao/noticias/2022/Setembro/tse-encerra-cerimonia-de-assinatura-digital-e-lacracao-dos-sistemas-eleitorais>



According to the data collected, members of the inspection entities were seen in the majority of the ballot box sealing and media generation ceremonies. On the other hand, auditors from the *TCU* were frequently seen (as in the ceremonies in Maceió (Alagoas); Rio Branco (Acre) and Porto Alegre (Rio Grande do Sul)). There was also the presence, although in smaller numbers, of representatives of the Armed Forces (case of the Brazilian Election Justice Operations Center, in Natal, Rio Grande do Norte); and party inspectors on one occasion (Federal District).

It was also possible to verify the diversity that exists in the organization of these procedures. Most states perform these ceremonies in a decentralized way, that is, not everything is prepared in the capital. However, in some cases, like the state of Sergipe, continue to be centralized. In other cases, the dates are distinct for the preparation of ballot boxes in the capital and interior, and in others they occur in a unified way (the case of Tocantins).

In all the units it was possible to follow the procedures, observe the organization and the progress of the contingent of prepared ballot boxes. The staff gave all the necessary information to understand what was being done and the observers were able to collect data and take several photos.

The Election Observation Mission overcame some difficulties in accessing the information, allowing it to be present in all states. However, as a suggestion, this external communication can be improved with initiatives that some *TREs* have already adopted and that could be nationalized or replicated in other courts, such as publishing the complete calendar on the website of the respective *TRE* or even sending such notices directly to observation missions. This would allow a better organization among these institutions, increasing the possibilities of presence in these moments that are of great importance for the preparation of the electronic ballot boxes.

The Election Observation Mission also witnessed several integrity tests, both those carried out the day before voting and those with biometrics, which were part of



the pilot project announced by the *TSE*.<sup>62</sup> In both cases this sense, the Mission noted that the tests proceeded normally, with no incidents that could compromise the results. The Mission observed the integrity test with biometrics in several states including São Paulo, Rio de Janeiro, Distrito Federal, Paraná, Ceará and Pará. It is worth mentioning that members of the Armed Forces accompanied the test in some locations, although it has not been identified the presence of significant party inspectors.

The *TE Brasil* Mission informs that it will travel the country again for the preparations of the ballot boxes for the second round of the 2022 elections.

## 8) Transmission and tallying of the votes

### a. Ballot box bulletins, data transmission and dissemination of partial result

During the monitoring of the closing of the voting, it was possible to verify compliance with the procedures by polling station agents and Brazilian Election Justice employees. The Ballot Box Bulletins (in Portuguese: *Boletim de urna*, *BU*) were posted on the doors of the polling stations and distributed to some people. The *TE Brasil* Mission team collected several *BUs* for checking. Information on this will be given in the final report.

In most of the polling stations observed, voting closed between 05:00 pm and 05:30 pm, making it already possible to transmit data for the announcement of the results. The teams that went to the *TREs* and *TSE* were soon able to witness the arrival of the voting data.

A few reports of delays in data transmission were collected in Rio de Janeiro, Paraná, Minas Gerais and São Paulo. According to Brazilian Election Justice officials involved with the procedure, the delay was internal to the *TSE* system. As soon as

<sup>62</sup> <https://www.tse.jus.br/comunicacao/radio/2022/setembro/tse-simula-projeto-piloto-do-teste-de-integridade-com-biometria>



observers were informed, representatives of the Mission present at the *TSE* went to the technology sector seeking information about this, being told that it was due to the volume of data that was arriving simultaneously, which would be normalized as soon as the information flowed. The reasons given were the unification of the voting closing time throughout the country and the volume of data. After this, there were no new reports of interruption and the transmission continued normally, allowing the results to be released on time.

#### **b. Tallying at the *TSE***

The vote tallying at the *TSE* went smoothly, within the expected time. Around 09:15 pm it was already possible to see consolidated results, even though not 100% of the ballots had been counted.

The *TE Brasil* team at *TSE* went to the counting and tallying room and was able to check the workflow of the public servants linked to the technology sector. In addition, the team remained at the Court until the first press conference was held, after the results for President had been announced, indicating that a second round of voting would take place.

There was no event that suggested a breach of the normality of the final stage of the first round of elections.

### **9) Final considerations**

The National Election Observation Mission 2022 congratulates the leadership of the *TSE* and *TREs*, as well as the entire body of public servants, for the outstanding work of organizing the 2022 elections.

With an electorate of 156,454,011, Brazil has its own complexities for its electoral process, which demands from the electoral authority a high level of





competence to ensure democratic integrity from the beginning of the calendar until the inauguration of the elected candidates.

The Mission will continue to monitor the elections in the second round, considering all the topics covered in this report.

The Mission also celebrates the positive and calm attitude of the Brazilian people, who made it possible for the electoral day to be peaceful and a translation of the popular will.

Finally, the Mission is deeply grateful to the entire team of observers, who spared no effort to collect all the data that are exposed here. We continue together for the second round.