



**Tribunal  
Superior  
Eleitoral**

International Affairs Unit

# **PRACTICAL GUIDE**

## **2022 BRAZILIAN ELECTIONS**

Brasília  
TSE  
2022

**90** ANOS DA  
JUSTIÇA  
ELEITORAL  
90 ANOS EM AÇÃO PELA DEMOCRACIA

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1

INTRO



# 1 INTRODUCTION

Based on a history of more than 90 years at the service of democracy, the Brazilian Electoral Court System is prepared to celebrate the largest elections of the country's history, and the greatest automatized elections worldwide. Nearly 156 million voters will be able to choose their next President and Vice President of the Republic, all 513 Federal Representatives, 27 Senators, all 27 Governors and Vice Governors, as well as all 1,059 State Representatives.

To carry out this task, on October 2<sup>nd</sup> – in the first round – and on October 30<sup>th</sup> – in the runoff – voters will use more than 577,000 electronic voting machines, scattered in more than 460,000 polling stations all around the country and 2,228 abroad.

In a continental logistical effort, the Electoral Court System has a staff of nearly 2.2 million poll workers and assistants, besides more than 22,000 civil servants and 3,000 judges, to assure the integrity of the elections from North to South, in a smooth, safe, efficient, and auditable way, and the disclosure of results in a few hours the same day.

The International Affairs Unit of the Superior Electoral Court has prepared this *Guide* with the purpose of offering foreigners an overview of the major aspects of the Brazilian Electoral System and the scenario of the 2022 General Elections.

On the following pages, useful data and information are made available for a quick understanding of the current electoral model,





including but not limited to the Brazilian political organization, the framework and operation of the Electoral Court System, the cycle of the elections, and developments related to the logistics, innovation and technology that are part of the electronic voting system, as well as the major norms ruling the electoral process.

The *Guide* also includes accessibility resources such as QR codes, infographics and hyperlinks, allowing for a deeper understanding of technical concepts involving a better comprehension of the Brazilian legal system.

## 1.1 Overview of the Brazilian Elections

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### When will the 2022 General Elections take place?

- » October 2nd – First Round.
- » October 30th – Runoff.

In Brazil, there is no early voting and no voting by mail. All voters must appear in person at the polling stations that are exclusively prepared by the Electoral Court System.

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### What offices will be up for grabs in October 2022?

President of the Republic, all State Governors, 1/3 of Senators, and all Federal and State Representatives.

The voting order in the electronic voting machine is:

- » Federal Representative (4 digits, the first two indicating the candidate's political party).
  - » State Representative (5 digits, the first two indicating the candidate's political party).
  - » Senator (3 digits, the first two indicating the candidate's political party).
  - » Governor (2 digits indicating the candidate's political party).
  - » President (2 digits indicating the candidate's political party).
-



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### What are the voting hours?

From 8 am to 5 pm in the Brasilia time zone.

Abroad, the elections will take place from 8 am to 5 pm in each local time zone.

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### When are the official final results expected to be announced?

The final results should be announced in a few hours after the election closure.

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### Number of voters

Nearly 156 million voters will be able to vote in Brazil and abroad, of which 53% are women.

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### Social name

Transgender people may include their social name in their voter card and use it in the electoral campaign, if they are candidates.

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### How do voters exercise their right to vote?

The Brazilian system is 100% computerized. Voters will vote in one of the 577,000 electronic voting machines (of which 225,000 will be of a new model – UE 2020), scattered in 5,568 municipalities, in nearly 460,000 thousand polling stations in the country and 2,228 abroad.

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### Biometric identification

Biometric identification for voting is being implemented in Brazil. During such process, the persons who have a biometric enrolment may be identified by fingerprint recognition. Those who have not made the biometric enrolment will be able to vote using their ID card or other identification document.

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### Is voting mandatory? Who must vote?

Enrollment and voting in Brazil are mandatory for all citizens, native or naturalized, literate, aged between 18 and 70 years old. Voting is optional for youngsters aged between 16 and 17, for those who are older than 70, and for the illiterate. All citizens with a regular standing before the Electoral Court System can vote.

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### **Should voters out of their electoral domicile justify their absence?**

Voters who are out of their electoral domicile on Election Day must justify their absence remotely, through the e-Título app or in person, through the Absent Voting Justification Form. The electoral justification for those who have failed to vote on Election Day can be submitted up to sixty (60) days from the missed election round. If voter is abroad, he/she may justify his/her absence on the Election Day on the e-Título app or in person, or up to thirty (30) days from the voter's return to Brazil.

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### **What is the penalty for failing to vote or to justify one's absence?**

If voter fails to vote and to justify his/her absence, he/she must pay a fine amounting to R\$3.51 (near US\$ 0.70) or will not receive the electoral clearance certificate from the Electoral Court System. As long as the voter does not regularize his/her status, he/she will not be able to (under § 1, article 7, Electoral Code):

- » Get a passport or identity card.
- » Receive compensation, salary or earnings from public function or employment.
- » Sign contracts with the government or participate in a bidding procedure.
- » Borrow from state-owned banks or government funded banks.
- » Register for a public tender or exam to fill civil servant positions.
- » Re-enroll in a public or government-supervised education establishment.
- » Do any action for which military service clearance or income tax return is requested.
- » Get an electoral clearance certificate.
- » Get any document from diplomatic offices to which voter is subject.

Due to the Covid-19 pandemics, TSE has suspended the application of penalties referring to the 2020 elections.

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## **How to vote abroad?**

Voters who live abroad should register and vote for President (only).

According to the Electoral Code, polling stations are organized in places where there are at least 30 voters. Voting hours and places are disclosed to Brazilians through the diplomatic missions and consular offices.

If the polling stations have 30 to 99 voters, they cast their vote on a ballot. For places with more than 100 voters, electronic voting machines are prepared and sent from the Federal District to those stations.

Voters who are in Brazil but have an electoral enrolment abroad may vote for President, provided they request the provisional card transfer (transit voting) before the deadline and adequately. Voters living abroad and holding a voter card registered with a polling district in Brazil must justify their absence at the elections.

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## **How are poll workers chosen?**

The Electoral Court System mobilizes nearly 2.2 million poll workers to act in each of the 460 thousand polling stations all around the country and abroad. As a rule, any Brazilian who enjoys a regular electoral status from the Electoral Court System and is older than 18 years may be a poll worker, acting as a volunteer or for having been call in. Candidates and their respective spouses and second-degree relatives; executive members of political party boards; authorities and police officers holding positions of trust in the Executive Branch and Electoral Court System employees – are not allowed to act as poll workers.

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2

ADMIN



## 2 BRAZILIAN POLITICAL-ADMINISTRATIVE SYSTEM

As per Article 1 of the Federal Constitution, Brazil is a democratic, presidentialist Federative Republic, composed of inseparably united 26 Member States, 5,568 municipalities and a Federal District, all of them autonomous entities capable of self-organization under the law.

With a population estimated of 214.5 million people, Brazilians must participate in the *Republic*, choosing their representatives by direct, secret, universal vote with the same equal value. It is a *Federative Republic*, as the country is composed of entities that enjoy a certain autonomy, being able to elect their own rulers and to enact their own laws, always complying with the parameters drawn by the Federal Constitution.

*Brazil* is an autonomous federative entity, forming a domestic governmental entity, and it is responsible for exercising the duties proper to the sovereignty of the country. The country shall act on its own behalf, in domestic relations, or on behalf of the whole Federation, when it comes to international relations with other countries.

The *Member States* are regional federated entities, organized by constitutions and state laws, complying with the principles and rules of the Federal Constitution. In geographic terms, the States are split in five regions: North, North-East, Center-West, South-East and South.



The *Municipalities* are federative entities enclosed in a Member State and organized by the Municipal Organic Law.

The *Federal District* hosts Brasília, the Federal Capital of Brazil, and has the same competences reserved to the States and Municipalities.

The Brazilian political system is composed of party and electoral government systems, based on the Federal Constitution, and is regulated by the laws in force.

## 2.1 Government System

Brazil adopts the presidentialist government system. The Executive Branch is exercised by the *President of Brazil*, elected by direct voting. The Vice President is elected alongside with the President and a vice presidential candidate runs for office together with a presidential



candidate on a single ticket. They serve for four years, and may be re-elected after the first term of office<sup>1</sup>. As the head of the Federal Government, the President is assisted by State Ministers and has the power, including but not limited to appoint ministers, diplomats, judges, government bank high-ranking officials, to lead the Armed Forces, and to propose legal amendments.

The *Federal Legislative Branch* is a two-chamber system, composed of the *Senate* and the *Chamber of Deputies*, that together form the National Congress. The *Federal Senate* is composed of 81 senators, representatives of the States and the Federal District, so that each has three senators, regardless of population size, elected according to the majority principle for an eight-year term. Senators are elected every four years, with a renewal of one third of the seats in one election and two thirds in the following elections. The Chamber of Deputies is composed of 513 deputies, representing the Brazilian people, elected by the proportional system in each Member State and in the Federal District, for a four-year term. The number of seats varies according to the population of each state, so that no state



has less than 8 and no more than 70 deputies (check [representation at the Chamber](#) and [the representation at the Senate](#)).

Within the *States and the Federal District*, the Executive Branch is managed by the *Governors*, elected by direct voting and alongside with a Vice Governor on a single ticket. They serve for four years, and may be re-elected after the first term of office. Governors are assisted by State Secretaries and have the powers provided for in the Federal Constitution and in the State Constitutions.

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<sup>1</sup> The President of Brazil, governors and mayors may be re-elected (i.e., serve for two consecutive terms of office) or may be elected unlimitedly when they serve not for successive terms of office.





The *State Legislative Branch* is left to the *State Legislatures* and the *Federal District Legislative Chamber*. The number of state deputies varies according to the number of Federal Representatives of each state. Therefore, more populous states tend to have more seats at the state legislature. Brazil currently has 1,059 state deputies.

In the *Municipalities*, the Executive Branch is managed by the *Mayors*, elected by direct voting and alongside with a Vice Mayor on a single ticket. They serve for four years, and may be re-elected after the first term of office. Mayors are assisted by Municipal Secretaries and have the powers provided for in the Federal Constitution and in Municipal Organic Laws.

The *Municipal Legislative Branch* is managed by the Chamber of City Councilors, whose number of seats varies from 09 to 55, according to the number of inhabitants of the city and the computation system provided for in article 29 of the Federal Constitution. Brazil currently has 58,208 City Councilors.

## 2.2 Party System



Brazil adopts the *Multi-Party* system, assuring the existence of many parties taking part in the national political system, currently having [32 parties](#) duly registered with the Superior Electoral Court.


The 1988 Federal Constitution set forth that all parties must have a national scope, i.e. exclusively local or paramilitary parties are forbidden (article 17 of 1988 Federal Constitution). In this regard, it has assured the necessary autonomy to organize its own framework and operation, without risking government interference.



A *Political party* is a private law entity, created by the civil law and is valid as of the filing of respective bylaws with the Superior Electoral Court. It is designed to assure, in the best interest of the democratic regime, the authenticity of the representative system and to defend the fundamental rights provided for in the Federal Constitution (Act N. 9.096/1995, article 1). Once registered, the parties may claim resources from the Party Fund, the Electoral Fund and free access to radio and television, according to the law.

In Brazil, parties are regulated by [Act N. 9.096/1995](#), dealing with, but not limited to, the organization and operation of the parties, party affiliation, nomination of candidates, distribution of the Party Fund and accounting.

### 2.2.1 Party affiliation and loyalty

Party affiliation occurs when a voter accepts and adheres to the program of a party, registering as a member of such party. TSE currently keeps records of 16 million Brazilians affiliated to some  political party, of which 54% are men, 45.7% are women and 0.07% have no declared gender (to see the list of affiliated people by gender and age, [click here](#)).

The affiliation to a political party is one of the conditions to run for election. A voter may affiliate to a party only if he/she is fully enjoying his/her political rights.

All rules for voter's affiliation and disaffiliation are available for public checking at the [Party Affiliation System \(Filia\)](#), developed by the Electoral Court System. The system prioritizes the autonomy of the political parties so as all details inserted into the system are based on information provided by the parties. In the event of any information inconsistency, the voter harmed may file a claim in the Electoral



Court System, which shall call for clarifications from the political party. In case of double party affiliation, the most recent shall always prevail, and the Electoral Court System is apt to cancel the other existing affiliations.

Once affiliated, the citizen is expected to keep an ideological bond with the party, complying with the program, the guidance and the duties defined by the party. This stands because in Brazil the principle of *party loyalty* rules. It defines, among other things, that the electoral mandate belongs to the party, not to the politician. This is one of the foundations for decreeing its loss in case of infidelity due to the change of party during the term of office. When migrating to another party, the representative does not bring with him/herself their votes, which are kept by the party, legitimizing the substitute from the previous party to take office.

The loyalty rule sets forth that city councilors, state, federal, and district deputies who disengage from the party through which they have been elected, without good cause, shall lose their office due to party infidelity (Federal Constitution, art. 17, 6<sup>th</sup> Paragraph, included by Constitutional Amendment N. 111/2021). However, in exceptional cases, changing of party without losing the office is possible for the representative in case of good cause provided for by the law, with the agreement of the party or in case of serious personal discrimination.

The Constitutional Amendment N. 111/2021 established the possibility of a *party change period* for representatives without the risk of performing an act of infidelity. The party change shall occur every election year, comprising a 30-day period for parliamentarians to change their parties without losing their current mandate. The 30-day period must happen no later than six months before the elections.



When responding to an [inquiry](#) about the topic, TSE has ruled that only elected persons by the end of their current office may enjoy the chance of the party change period. In other words, city councilors may only change parties within the period established for the municipal elections, and federal and state deputies within the period lasting for six months before the general elections.

### 2.2.2 Funding of political parties

The system for funding Brazilian political parties envisages not only funding from their own income, but also funding from government funds. However, parties are not allowed to directly or indirectly receive funds from foreign entities or governments, government entities and bodies (except for funding from the Party Fund and the Special Fund for Campaign Funding), corporate entities, class entities or unions, and individuals holding public positions freely appointed (except for persons affiliated to political parties), under Act N. 9.096/1995, article 31.



As regards government funding, political parties have two sources of funding: *the Special Fund for Financial Assistance to Political Parties (the Party Fund)* and the Special Fund for Campaign Funding (*Electoral Fund*).

The Party Fund, established in 1995 by Act N. 9.096, for a long time has been the sole source of government resources to be split among the parties. Besides being used to fund electoral campaigns, the resources of the Party Fund may be used to pay for party routine activities, including but not limited to utilities, rental and plane tickets.

The Party Fund is composed of government appropriations, monetary fines and penalties of an electoral nature, donations deposited by individuals into parties' accounts (those set apart for the Fund) and



other funds assigned by law from time to time. In 2021, more than R\$872 million were allotted to the parties ([breakdown of funds](#)).

The Political Party Act further determines that 5% of total Party Fund is allotted equally to all parties, and the remaining 95% proportionally to the votes obtained by the parties in the last general elections for the Chamber of Deputies. In any case, only the parties that have met the access requirements of the performance clause will be entitled to the amounts.

### Performance clause

The parties must receive funds from the Party Fund and they have the right to free broadcastings on radio and television. No effects for 2018.


- From 2019 to 2023: 1.5% of valid votes in 2018 for Federal Representatives in at least 9 states, with 1% each. Or a minimum bench of 9 Federal Representatives from 9 states.
- From 2023 to 2027: 2% of valid votes in 2022 for Federal Representatives in at least 9 states, with 1% each. Or a minimum bench of 11 Federal Representatives from 9 states.
- From 2027 to 2031: 2.5% of valid votes in 2026 for Federal Representatives in at least 9 states, with 1.5% each. Or a minimum bench of 13 Federal Representatives from 9 states.
- From 2031 on: 3% of valid votes for Federal Representatives in at least 9 states, with 2% each. Or a minimum bench of 15 Federal Representatives from 9 states.

Source: Constitutional Amendment N. 97





The performance clause is one of the mechanisms introduced by Constitutional Amendment N. 97/2017, which established new criteria for the access to the resources of the Party Fund by the parties and also to the free electoral propaganda time in radio and television. According to the rule, parties entitled to the resources are those that in the legislative term following 2018 elections have obtained at least 1.5% (one point five percent) of the valid votes in the Chamber of Deputies elections, allotted at least in one third of the Federation units, with at least 1% (one percent) of the valid votes in each of them, or those that have elected at least nine Federal Representatives allotted at least in one third of the 27 Federation units. Out of 35 parties registered with TSE, only 21 were considered entitled to have access to resources from the Party Fund.

As for the Electoral Fund, created in 2017 under Acts N. 13.487 and 13.488, it has become one of the major sources of income to be used in electoral  campaigns, as the donations from entities were forbidden by the Supreme Federal Court (STF) in 2015. It is estimated that it could achieve [4.9 billion Brazilian reais](#) in 2022.

The resources from the Electoral Fund must be allotted to the national party directorates, according to the following criteria: 2% equally split to all parties; 35% split among those with at least one representative in the Chamber of Deputies, proportionally to the percentage of votes obtained in the last general elections for the Chamber; 48% split among the parties, proportionally to the number of representatives in the Chamber, taking into account the parties of the representatives; and 15% split among the parties, proportionally to the number of Representatives in the Federal Senate, taking into account the Representatives' parties.

The resources are released to the parties under TSE Resolution N. 23.605/2019 that provides for a reserve of at least 30% of the



total received for female candidates campaign funding or a greater percentage corresponding to the number of the party female candidates. TSE Plenary Session has also defined that the allotment of the Electoral Fund must be proportional to the total of black candidates that the party submit to the electoral dispute.

The electoral laws have strict rules on campaign and party accounting, imposing specific sanctions in each case. Transfers of resources from the Fund may be suspended, in case the party does not make the yearly accounting or its accounts are rejected by the Electoral Court System. Accounting must include the breakdown of amounts received from the fund, the source and the amount of contributions and donations, electoral expenses specifying and evidencing the expenses with radio and television programs, committees, propaganda, publications, rallies and other campaign



activities, and breakdown of income and expenses. Check more information about the [Party Fund](#) and the [Electoral Fund](#) on TSE Portal.

### 2.2.3 Political party broadcasts

The political party broadcasts, which were suspended since 2017, came back as the National Congress enacted Act N. 14.291/2022, provided that they comply with TSE Resolution N. 23.679/2022 that regulates the way contents can be broadcast.

Time division among parties is made according to the performance of each party in the last General Elections, carried out in 2018. Parties that have elected more than 20 Federal Representatives are entitled to 20 minutes per semester for 30-second insertions in national networks, and the same time in state networks.



Parties with between 10 and 20 elected deputies may use ten minutes each semester for 30-second insertions, both in national and state networks. Benches composed of up to nine Representatives have five minutes per semester for federal and state network broadcast of party contents.

The media space dedicated to the parties aims at broadcasting and conveying messages to the affiliated members on the carrying out of the party program, as well as at disseminating the party activities and its ideological stance. At least 30% of the time dedicated to each party must be used for the encouragement of the participation of women in politics. The political party broadcastings are aired in the first and second semesters of non-electoral years and just in the first and second semesters of electoral years. To know more about the days and hours of other parties, click on [2022 political party broadcasting calendar](#).

### 2.2.4 Party coalitions and federations

A party coalition is an association of two or more political parties, for a specific time period, to run together for majority elections (the possibility to make coalitions for proportional elections was extinguished by the Constitutional Amendment 97, in 2017). The coalition participates in the electoral process as if it were a sole political party, as it comes to rights and obligations. However, it has a temporary nature and it is extinguished after the elections.

In proportional elections, if the parties want to gather, they can make it through federations. The major difference between a *coalition* and a *federation* is the permanent nature of federations.

A party federation is formed by two or more political parties that have a program affinity and gather to act as a sole party for at least four years. Party unions have a national scope and work as a





test for potential merger or incorporation of the parties that have participated in the federation.

Party federations have been created under Act N. 14.208/2021, which has defined the criteria for a joint action of the parties.

In practice, the federation works as one sole party and, for this reason, it is subject to the same rules applied to the political parties. A federation may, for example, form a coalition to compete for majority offices (President, Senator, Governor and Mayor), but it is forbidden to gather with other parties in proportional elections (Federal Representative, State Representative or District Representative, and City Councilor). In proportional elections, both the party and the federation must comply with the minimum legal percentage of 30% of candidacies of each type.

To that end, the federated parties must organize an association registered by the notary public, with a different legal personality from those of the constitutive parties. The federations shall have an indeterminate duration, and the parties shall keep their names, acronyms, numbers, members and access to the resources from the Party Fund and the Special Fund for Campaign Financing (FEFC) – the Electoral Fund. The obligation to account for the government resources they receive is kept.

The parties gathering in a federation must remain in the new organization for at least four years. A party that leaves the organization before the conclusion of this time period will not be entitled to another federation and, also, will not be allowed to make a coalition in the two following elections. Such party will not be allowed to use resources from the Party Fund for the time elapsing to complete four years in which it should be in the federation. An exception to this rule comes in case a federation is extinguished because the parties



composing it will merge or because one of them will be incorporated into the other ones.

When acting in the Chamber of Deputies and the Federal Senate, the federations shall work as a sole party, with their own bench, and leaderships formed based on the provisions of the federation's bylaws and the operational agreement of respective Chambers. As for proportionalities, federations must be understood as political parties, involving, for example, the distribution and formation of legislative committees.

For the first time, the 2022 Brazilian elections will count on candidacies supported by party federations.

## 2.3 Brazilian Electoral Systems

The expression “*electoral system*” designates the way, the instruments and the mechanisms destined to organize the citizens' representation, aiming at the legitimate constitution of the Executive and Legislative branches. Electoral systems have as their function the organization of elections and the conversion of votes into political mandates, aiming at providing an efficient, secure, and impartial capture of the democratically expressed popular will, so that elected mandates are legitimately exercised.

The current Brazilian model, defined by 1988 Federal Constitution and the Electoral Code (Act N. 4.737/1965), is based on the existence of two different electoral systems, applied according to the office run for: the *majority system*, divided in *simple* and *absolute*, and the *proportional system*.

The (*simple*) *majority system* is applied to the offices of Senator and Mayor in municipalities with less than 200 thousand voters; the



*(absolute) majority applies* to offices of President, Governor and Mayor in municipalities with more than 200 thousand voters; and the *proportional system applies to the offices of Federal Representative, State Representative and City Councilor*. To understand how the seats are filled in the Brazilian proportional system ([click here](#)).



These systems are responsible for conducting the elections for the more than 70 thousand elected offices, namely: President and Vice President of the Republic, 513 Federal Representatives, 81 Senators, 27 Governors and Vice Governors, 1,059 State Representatives, 5.570 Mayor and Vice Mayors, and more than 58,208 City Councilors.

### 2.3.1 Majority system

The *majority system* is the one in which the candidate who obtains the majority of votes wins the election. In this case, both an *absolute majority*, which comprises half the votes of the members of the electoral body plus one vote, and a *relative majority*, which considers elected the candidate who obtains the largest number of votes in relation to his competitors, are taken into account.

In the Brazilian case, such system is used for selecting the members of the Federal Senate and for the election of members of the Executive Branch, such as the President of Brazil, state Governors and city Mayors, all of them with their alternates.

### 2.3.2 Proportional system

The *proportional system* is the one where representation is given in proportion to the preference of the constituencies for the political parties or party federations. In Brazil, the proportional system, with



an open list, is adopted to elect Federal, State and District Deputies and City Councilors.

The counting of votes in the proportional system and their filling into seats in the legislative houses occurs in stages. First, the *electoral quotient* is calculated, and then the *party quotient*. Finally, the distribution of the *electoral surpluses* is necessary.

The main instrument of the proportional system is called *electoral quotient*. This mechanism defines the parties and/or federations that shall fill in the seats run for the offices of Federal and State Representative, and City Councilor. The electoral quotient is determined by dividing the number of valid votes (total votes cast, excluding blank and null ballots) counted by the number of seats to be filled in each electoral district, disregarding the fraction if equal to or less than half, equivalent to one if higher. Formula of the electoral quotient:

$$(QE) = \text{number of valid votes} / \text{number of seats.}$$

#### How to compute the electoral quotient and the party quotient

$$\text{Electoral quotient (QE)} = \frac{\text{number of valid votes}}{\text{number of seats}}$$

$$\text{Party quotient (QP)} = \frac{\text{valid votes (party or coalition)}}{\text{electoral quotient}}$$

Once reached the electoral quotient, the proportional system provides for the computation of the *party quotient*, the one that will define how many seats will be assigned to each party and/or federation.



The number of seats obtained for each party varies according to the number of times it is higher than the electoral quotient. This number of times is reached dividing the number of valid votes obtained by the party or the federation by the amount of the electoral quotient, disregarding the fraction, if applicable:

$$QP = \text{valid votes (party or coalition)} / \text{electoral quotient.}$$

For a candidate to be eligible for election, it is necessary to attain a minimum of 10% of the electoral quotient, the so-called individual performance clause. Among the candidates registered by a party or federation, those who obtain votes equal to or greater than this percentage will be elected, that is, only if they meet the two criteria of reaching the party quotient and having candidates with the minimum number of votes.

Seats not filled in applying the party quotients and due to the requirement of minimum nominal voting will be split dividing the number of valid votes assigned to each party by the number of seats obtained by it plus 1, and the party with the highest average will fill in one of the seats, provided it has a candidate who meets the minimum nominal vote requirement. When there are no more parties with candidates that meet both requirements, the seats will be distributed to the parties with the highest ratings.

All parties that have participated in the elections may compete for the distribution of seats, provided that they have obtained at least 80% of the electoral rate, and the candidates who have obtained a number of votes equal or higher than 20% of this quotient. In the event of a tie, the Electoral Code provides, as a final rule, that the oldest candidate should be elected. If no party reaches the electoral quotient, the candidates with the most votes will be considered elected until all seats are filled in.



The electoral legislation also establishes a list of party representation alternates, established in the order of the candidates with the most votes under the same party and not elected from respective parties' lists. In the definition of party representation alternates, there is no requirement for a minimum nominal vote, as provided for in the criteria for the distribution of electoral surpluses.

Presidents, Governors and Mayors will be elected together with their alternates, who will take office in case of resignations or office vacancies.



3

PROFIT



# 3 POLITICAL RIGHTS AND VOTING CHARACTERISTICS

The 1988 Federal Constitution recognizes the existence of an array of political rights, but devotes special attention to the *right to vote* and to the *right to candidacy*.

## 3.1 Right to vote

In Brazil, voting is compulsory, direct, secret, universal, periodic, free, and of equal value for all. As a fundamental right, *voting* is considered a constitutional entrenched clause, that is, it does not admit suppression or restriction.

*Voting is compulsory* in the sense that the unjustified non-attendance to the polling stations will lead to sanctions to voters. It is *direct*, as the candidates are selected without the intermediation of no one. It is *universal*, as all Brazilians over 16 years old may register as voters. It is *periodic*, as it is exercised in elections carried out every two years, as a rule. It is *free*, as it is exercised with no other type of coercion or hindrance. It is of *equal value for all*, as the political manifestation of voters have the same weight and legal effect.

Attentive to its mission of assuring the vitality and strengthening of democracy, the Brazilian Electoral Court System has the purpose of achieving the maximum extent of suffrage, therefore promoting







solutions that privilege general participation and specific inclusion of vulnerable and minoritized groups. Within this vision, it rationalizes the geographical distribution of the polling districts, with the purpose of preventing absenteeism due to economic reasons, as well as to ensure accessibility in order to respect the rights of persons with disabilities. It also ensures that polling stations are assembled in distant and hard-to-reach places, such as indigenous villages, and constantly promotes engagement and awareness campaigns, oriented to society in general.

Under the legislation in force, registration and voting are mandatory for persons over 18 and under 70 years old; optional for the illiterate, persons over 70 and youngsters from 16 to 18; and forbidden for foreigners and military officers engaged in compulsory service. Voter's eligibility and registration procedure is carried out by the Electoral Court System, in person or remotely, and is a condition for the exercise of political rights.

The voter who does not show up to the polls or does not justify his/her absence is subject to a fine, in addition to being barred from acts of civil life, such as participating in public tenders, contracting with public authorities, renewing a passport, and enrolling in competitive examinations. Due to the coronavirus pandemics, the Superior Electoral Court has suspended debts for those who did not show up to vote or did not justify their vote in the 2020 Elections. Therefore, even voters who did not pay fines relating to the two rounds of vote will be able to request electoral clearance certificates.

If the voter fails to vote for three elections in a row, he/she will have his/her voter card cancelled, and it will be necessary to make a new voter registration, after the settlement of pending debts. It must be remembered that each voting round is considered an election. In order to expedite the regularization process for those who are in debt




with the Electoral Court System, besides the service in any Electoral Office in the country, TSE makes an easy-to-access system available on the internet, through which it is possible to make inquiries, get  electoral clearance certificates and take actions such as registration, transfer and revision of subscriber details : ([know the e-Título system](#)).

### 3.2 Voter's enrolment

*Enrolment* is an administrative procedure including two actions: voter's eligibility and registration. *Eligibility* is the evidence that the citizen meets all legal requirements to exercise the right to vote, while the *registration*, through which the citizen is authorized to get his/her voter card, allows that he/she may be included in the National Voter Registry of the Electoral Court System.

Voter's enrolment is made through electronic processing and is concluded when the voter's enrolment request form (RAE) is filled in, in person or remotely. It is through the enrolment that citizens acquire their political rights, becoming the holder of an active political right (the capacity to vote). Through the enrolment, voters also satisfy one of the requirements to affiliate to a political party and to become a candidate.

 [TSE Resolution N. 23.659/2021](#) provides for enrolment and electoral services through electronic data processing, regularization of voter status, management and maintenance of the electoral registry, voter's enrolment system, analysis of constituencies and supervision of political parties, among other things. In order to modernize and make the national voter registry reliable and safe, in 2009 the Electoral Court System has implemented a national system for biometric data collection,



capable of rapidly detecting potential cases of double or multiple registrations, as well as preventing frauds in the voting process.

As a rule, all Brazilians may enroll from 15 years of age, with legal effects from 16 years of age. From 16 to 18 years of age, enrolment is optional, as well as for the illiterate. Enrolment is compulsory only from 18 years of age for all literate Brazilians.



Later enrolment may produce the application of a fine amounting to R\$3.51 maximum. After registration, Brazilians may use a printed voter card or its digital version on [e-Título](#) app.


### 3.3 Right to candidacy (eligibility, ineligibility and registrability)

Any person wanting to be a candidate to an elected office in 2022 General Elections must abide by certain eligibility conditions, not fall into a cause of ineligibility and meet the criteria for registrability.



As for the *eligibility conditions*, the interested person must be a national of Brazil, be in full exercise of his/her political rights, be registered with the Electoral Court System and be domiciled in the place where he/she wants to be a candidate for at least six months before the date of the first round of the elections, the same time period of affiliation to a political party. He/she must also be, on the date of taking office, at least 35 years old in order to be allowed to run for President of Brazil, Vice President or Senator; at least 30 years old, for Governor or Vice Governor; and at least 21 years old for Federal, State or District Representative.

Brazilian electoral laws forbids the candidacy on one's own – that is, independent of the nomination by a political party – even if the candidate is in fact affiliated to a political party. Also not eligible to run are: the ineligible, the illiterate and the spouses and blood relatives or kin up to the second degree, or by adoption, of the head of the municipal, state or federal Executive branch, or whoever is replacing them; and those framed in the events of ineligibility provided for in [Complementary Act N. 64/1990](#).

On the other hand, the *ineligibility causes* are the unwanted characteristics to those running for an elected office. Therefore, the events preventing a candidacy are as follows: illiteracy, kinship to heads of the executive branch, criminal convictions, convictions for  misconduct in public office, disapproval of management accounts being adjudicated by an Accounting Court or by the Legislative Branch, and dozens of other events.

At last, *registrability conditions*, such as documents needed to support the request of registration of candidacy – proof of education, declaration of assets and government proposals, as well as personal details such as address, telephone, email – must be complied with.



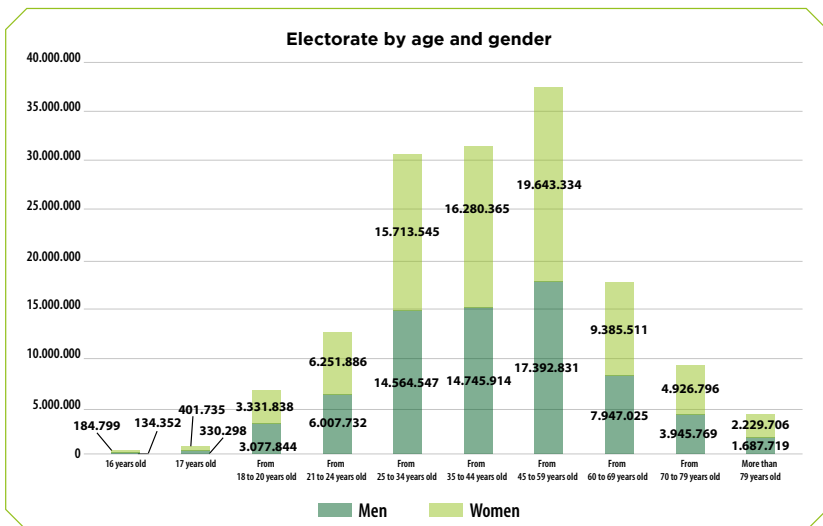
Supported by a massive staff of authorities and civil servants, the Electoral Court System is able to examine, in record time, the legality of a significant number of registrations of candidacy, aiming at stabilizing the candidates’ pool before the start of the polling. As an example, only in 2020 municipal elections 557,678 registrations of candidacy were examined all over the country.

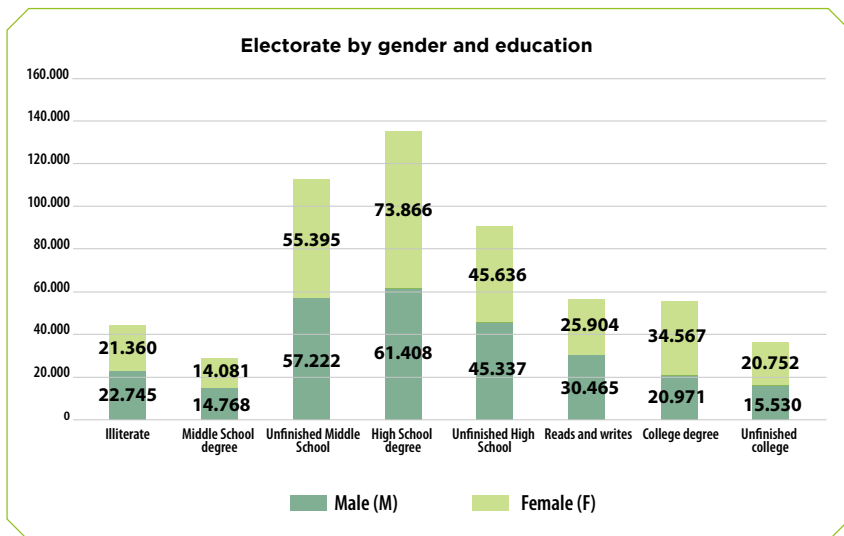
### 3.4 Brazilian electorate in 2022



The evolution of the Brazilian electorate may be followed up through TSE portal ([click here](#)), which consolidates monthly the statistical data drawn from the National Voter Registry. In election years, such data is audited as soon as the deadline for voters to register or update their details before the Electoral Court System expires. Once audited, such information works as a basis for the disclosure of the electorate profile in the elections that same year.

In March 2022, the Brazilian electorate profile was distinguished for the most part of women from 25 to 60 years old, with education ranging from elementary school to complete high school.





## Geographical distribution of the electorate





4

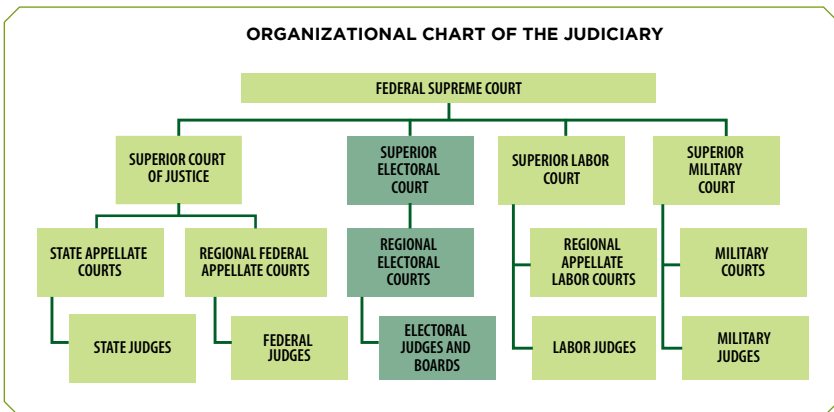
ELEC



# 4 ELECTORAL COURT SYSTEM

The Electoral Court System is a specialized branch of the Brazilian Judiciary that deals with the organization of Representative electoral processes (to choose members of the Executive and Legislative branches of municipal, state, district and federal government) and other processes that involve citizen political decisions, such as popular consultations (plebiscites and referenda). Created by Decree nº 21.076 de 1932, last February the Electoral Court System has completed nine decades of services provided to the Brazilian population, keeping a clean record as for the organization of non-fraudulent elections, apt to assure the pacific transfer of political power, without social turmoil.

It has a staff of 20,000 servants, liable for operation of nearly 550,000 polling stations in more than 5,500 Brazilian cities.








According to the logic of implicit and explicit powers, supported by the Federal Constitution, the Electoral Court System is recognized as the institution responsible for guaranteeing democracy, considering that:

- » It assures that the exercise of popular sovereignty when selecting political Representatives is done according to the Constitution and the laws.
- » It follows technical guidelines and works in a non-partisan way, with independence and autonomy.
- » It has a large history of safety and credibility.
- » It assures correct information to the population, fighting misinformation.
- » It assures the right of choice of all citizens.
- » It assures political equality to all.
- » It assures that political leaders are subject to control by the population.

Nowadays it is composed of the Superior Electoral Court (TSE), the Regional Electoral Courts, electoral judges, in addition to electoral  boards. All these bodies are established under the Federal Constitution, with duties and competences provided for in the Electoral Code (Act N. 4.737/1965).

More about the Brazilian Electoral Court System on:

- » [History of the Electoral Court System](#)
- » [Elections in Brazil: a 500-year history](#)
- » [Cultural Center of the Electoral Court System \(CCJE\)](#)
- » [Museum of the Vote](#)
- » [Electoral Glossary](#)



Finally, it is important to emphasize that, despite the increasingly incisive discrediting campaigns in the context of disinformation, the Brazilian Electoral Court System enjoys an expressive level of confidence among the specialized community, organizing elections with recognized integrity, according to internationally prestigious initiatives, such as NELDA (*National Elections Across Democracy and Autocracy*) and GPEI (*Global Perceptions of Electoral Integrity*).

## 4.1 Competences

Among the competences of the bodies of the Electoral Court System, we must emphasize the *normative, consultive, administrative and jurisdictional functions*.

*Normative competence*: also called regulatory competence, normative competence is TSE's capacity of issuing guidelines to regulate the electoral process, with efficacy.

*Advisory competence*: TSE responds to inquiries formulated in theory, by a federal authority or a national party body.

*Administrative competence*: the bodies of the Electoral Court System are imbued with the power of self-management, which is the ability to manage themselves. What differentiates these bodies from the others belonging to the judicial branch, in their administrative function, are the attributions conferred to them including but not limited to organizing the national electorate, maintaining a database on the lives of voters; determine polling places; manage the electoral process; imposing fines on absentee voters; register surveys and carry out the registration and cancellation of political parties. In 2017, TSE had its administrative function expanded with the responsibility of storing and managing information from the National Civil Identification (ICN) registration.



*Judicial competence:* the judicial function of the Electoral Court System is defined by the resolution of conflicts involving actors and issues related to the Electoral Law. It is, therefore, the litigation jurisdiction in the electoral field.

## 4.2 Framework and operation

According to art. 118 of the Federal Constitution, the Electoral Court System integrates the Judicial Branch of the federal government and works through the following bodies:

- » The Superior Electoral Court, headquartered in the federal capital (Brasilia).
- » A regional court in the capital of each State and in the Federal District.
- » The electoral judges.
- » The electoral boards.

The Superior Electoral Court exercises jurisdiction throughout the country, the Regional Electoral Courts in the area of respective States or the Federal District and the judges and electoral boards have jurisdiction in a polling district.

An interesting feature of the Electoral Court System is that it does not have its own staff of judges for the performance of electoral functions. The electoral courts are composed of judges appointed by other Courts, in addition to members from the practice of law. The electoral judges of first instance are state judges appointed by respective Regional Electoral Courts, on a rotating basis, when applicable.



Related to the operation of the Electoral Court System are the concepts of: electoral circumscription, polling districts, polling places, and polling stations.

### **Electoral Circumscription**

The Electoral Circumscription is the geographic space where a certain election takes place. Therefore, in the election for President and Vice President of Brazil, the electoral circumscription is the country. In the elections for Governor and Vice Governor, Senator, Federal Representative and State Representative, it is the state – or the Federal District. The municipality, on the other hand, is the electoral circumscription in the elections for the positions of Mayor, Vice Mayor and City Councilor.

### **Polling Districts**

In the states, the electoral circumscriptions correspond to the polling districts, which may or may not coincide with the territorial spaces of the municipalities. There are polling districts that cover more than one municipality and municipalities that have more than one polling district.

The Superior Electoral Court establishes rules for the creation of polling districts, in which the electoral judges exercise their jurisdiction. In most cases, a polling district covers more than one municipality, but the larger municipalities are subdivided into more than one polling districts.

### **Polling Place**

It is the building where the polling stations operate, that is, it is the place where the voter votes, which, in most cases, corresponds to the address of a school or other educational unit. Polling places should preferably be chosen from among public buildings. There may be




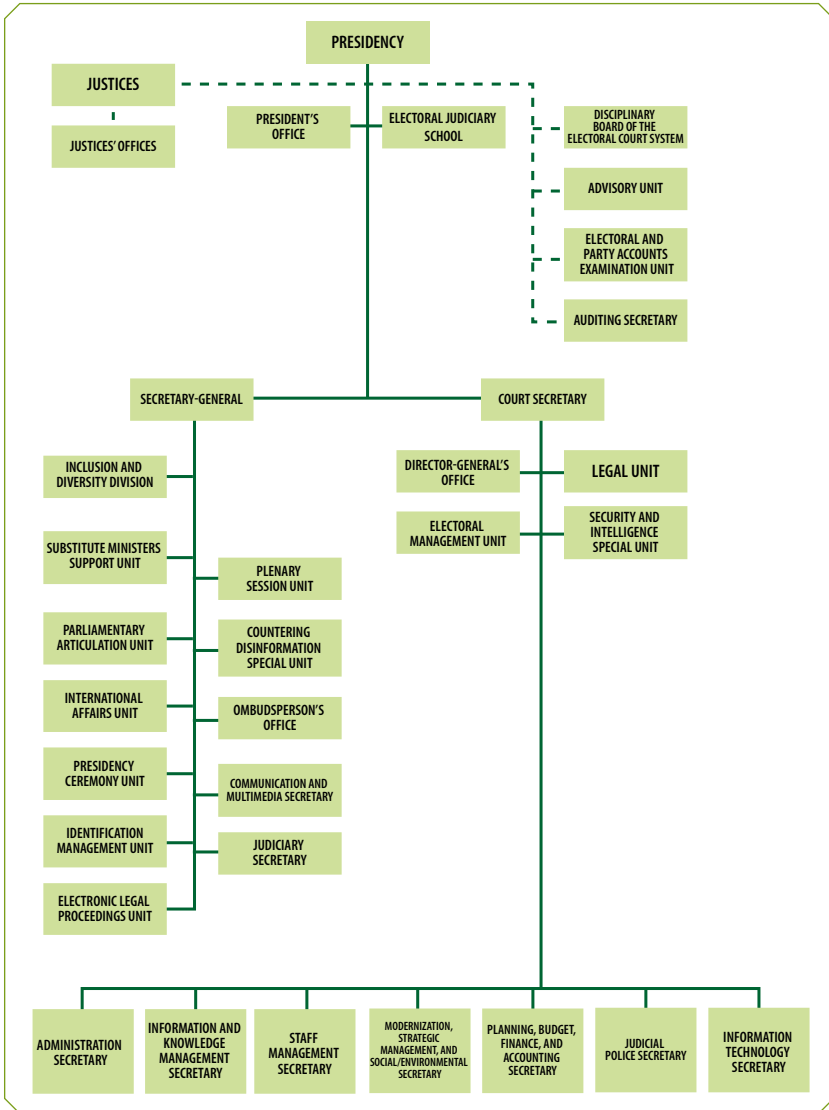
one or more polling stations in a given polling place, depending on the physical capacity of each one to accommodate them, especially on the number of rooms available.

### **Polling Station**

It is the place where voters who will exercise the right to vote will be admitted. In it will operate the reception desk, composed of up to six poll workers appointed by the electoral judge. In the polling station, an electronic voting machine, equipment in which votes will be registered, will be installed. The polling station is organized for a limited number of voters, ranging from 40 to 500 voters.

## 4.3 Superior Electoral Court








The Superior Electoral Court (TSE), highest body of the Electoral Court System, plays a fundamental role in the construction and exercise of  Brazilian democracy. Its main competences are established by the Federal Constitution and the Electoral Code (Law N. 4.737, of July 15<sup>th</sup>, 1965). [Check TSE administrative organization.](#)





TSE is composed of three Justices from the Federal Supreme Court (STF), two justices from the Superior Court of Justice (STJ) and two lawyers. The President and Vice President of the Court are elected from among STF Justices and the Inspector General from among STJ Justices. TSE has four types of competences: Normative, Advisory, Administrative and Judicial.

Current composition of TSE:

PRESIDENT, VICE PRESIDENT AND ELECTORAL INSPECTOR GENERAL	CURRENT JUSTICES
	
<p>Alexandre de Moraes (President)</p>	<p>Ricardo Lewandowski (Vice President)</p>
	
<p>Mauro Campbell Marques (Electoral Inspector General)</p>	<p>Cármen Lúcia</p>
	
	<p>Carlos Bastide Horbach</p>
	
	<p>Benedito Gonçalves</p>
	
	<p>Sérgio Banhos</p>

## 4.4 Regional Electoral Courts

The Regional Electoral Courts (TREs) are regional courts pertaining to the Electoral Court System, headquartered in each state capital and in the Federal District. They have, among their competences, complying with and enforcing TSE's decisions and instructions; respond, on electoral matters, to inquiries made in theory by public authorities or political parties; assess the final results of the elections



for Governor, Vice Governor and members of the National Congress and issue the certificates for those elected.

Brazil has currently 27 TREs, with the following composition:

- » 2 appellate judges of the State Appellate Courts;
- » 2 state judges appointed by the State Appellate Courts;
- » 1 judge appointed by the Regional Federal Court;
- » 2 lawyers appointed by the State Appellate Court.



The members of the Regional Electoral Courts will serve for a minimum period of two years and never for more than two consecutive biennia. [Get to know each TRE.](#)

## 4.5 Electoral Judges and Boards

The jurisdiction of each of the polling districts rests with a state judge from the State Appellate Courts and from the Federal District Court, which cumulatively exercises the electoral activities. The Brazilian Electoral Court System currently has more than 2,625 electoral tenured judges and their substitutes.

During elections, the spouse, blood relative or kin, up to the second degree, of a candidate for an elected office registered in the judge's circumscription cannot serve as electoral judge. The preclusion comprises the period from the ratification of respective party convention to the certification of the elected and procedures arising from electoral process.

The Electoral Board is a provisional collective body composed of two or four citizens and a state judge, who will preside over it. It is up to the electoral board to tally the votes, issue the final tallying reports and certify those elected to municipal offices. With the emergence of





electronic voting, the work of the electoral boards became easier and more agile, since the system eliminated manually counting ballot votes.

## 4.6 Electoral Prosecution Office

The Electoral Prosecution Office is a permanent institution, essential to justice, entrusted to defend the legal order, the democratic regime, and non-available social and individual interests. In the Electoral Court System, it operates through the Federal Attorney General, who holds the position of TSE Electoral Attorney General, where he/she has the duty to attend the sessions and take part in the debates. In the current structure, however, there is no Electoral Prosecution Office staffed with its own servants and with an instructional framework of its own. Before each Regional Electoral Court, the Attorney General of each state will serve as regional electoral prosecutor; and before judges and electoral boards, the electoral prosecutors.

Bodies	Composition	Competence	Presidency	Mandate
TSE	<ul style="list-style-type: none"> <li>» 3 Justices elected among STF members</li> <li>» 2 Justices among STJ members</li> <li>» 2 attorneys designated by STF and appointed by the President of Brazil</li> </ul>	<ul style="list-style-type: none"> <li>» Defined by the Constitution and Electoral Code</li> <li>» General elections</li> <li>» Normative competence</li> <li>» Consultive competence</li> <li>» Administrative competence</li> <li>» Jurisdictional competence</li> </ul>	President: STF Justice Vice President: STF Justice Disciplinary Board: STJ Justice	2 years, one consecutive reappointment allowed



Bodies	Composition	Competence	Presidency	Mandate
TRE	<ul style="list-style-type: none"> <li>» 2 appellate judges elected among the members of respective Appellate Court</li> <li>» 2 state judges chosen through election by respective Appellate Court</li> <li>» 1 federal judge chosen by TRF</li> <li>» 2 attorneys designated by the Appellate Court and appointed by the President of Brazil</li> </ul>	<ul style="list-style-type: none"> <li>» Defined by the Constitution and Electoral Code</li> <li>» General and municipal elections</li> <li>» Normative competence</li> <li>» Consultive competence</li> <li>» Administrative competence</li> <li>» Jurisdictional competence</li> </ul>	<ul style="list-style-type: none"> <li>» President: appellate judge</li> <li>Vice President or disciplinary board officer or another appellate judge</li> </ul>	2 years, one consecutive reappointment allowed
Electoral judges	Judges from the state courts and vested with electoral competence by delegation. In the judicial districts with more than a court, TRE shall designate the one that shall serve as the electoral court	Municipal elections <ul style="list-style-type: none"> <li>» Administrative competence</li> <li>» Jurisdictional competence</li> </ul>	The Electoral Judge him/herself	In Electoral Districts where there is more than one court, they take rounds (2 years)
Electoral boards	This is a collegiate and provisional body composed of 2 or 4 citizens and a presiding state judge	Assessment and certification of the elected candidates for municipal offices	Respective Electoral Judge or appointed state judge	With certification of elected candidates, as a rule



5

TECHN



# 5 TECHNOLOGY, INNOVATION AND THE ELECTORAL COURT SYSTEM

## 5.1 Technology solutions developed by the Electoral Court System

In the last decades, the Electoral Court System has undergone great technological transformations that have made it possible to increase the electoral process security, increase the efficiency of the services provided to the population and expand the transparency that must guide the democratic process of choice of people holding elected positions of the Brazilian Public Administration.

Brazilian elections rely upon a computerized ecosystem to enable legitimate, secure, and transparent elections. Although there is a lot of talk about the electronic voting machine, it is only a component of a set of instances which serve to ensure layers of protection against errors or attempts to fraud people's free choice of their candidates.

Among all systems supporting the conduction of the elections, some of them are more noticeable:

- » *Data, Apps and Interface with the Electronic Voting Machine Manager (Gedai-UE):* a system responsible for the generation of loading, voting, results and voting machine application activation media drives, in addition to receiving and sending correspondences to the Tallying Management System.



- » *Tallying Management System (Sistot)*: set of programs which has as its main objective to follow up the reception of results and to manage the tallying of elections results from the files processed by the tallying from the files processed by the *Electronic Voting Machine Files Receiver (RecArquivos)*.
- » *JE-Connect*: a tool that enables the transmission of the Electronic Voting Machine Bulletin directly from the polling places, through a private channel, assuring the promptness of the tallying, without jeopardizing the security.
- » *Uenux* – the operating and security system of the electronic voting machine: it is a Linux distribution, developed by TSE's technical team for the use in electronic voting machines; it is composed of boot loader, Linux kernel, drivers, libraries and applications.

All those systems play an important part in each of the stages of the electoral process and act as barriers against non-conformities in order to assure the security of the process.

## 5.2 Computerized voting systems

Voters also have a wealth of computerized systems to facilitate access to information and services, as follows:

- » [\*Título Net\*](#): a web system for receiving requests of remotely registered operations.
- » [\*e-Título\*](#): a mobile system available in the two major app stores enabling voters to have access to their digital voter card, information on polling places, justification, electoral clearance certificate and poll workers' service. Besides, on the election day, the app is prepared to receive requests of electoral justification based on the geolocation of the voter who is outside his/her municipality.



- » [\*Justification Request System\*](#): a web system that enables voters to send document proof of absence to polling places for justified reasons. Once sent, the request is submitted to the electoral authority for analysis and, if it is the case, acceptance of the justification of absence to polling places.
- » [\*Pardal\*](#): a web and mobile system enabling citizens to notify irregularities in political party broadcastings, communicate events that may give rise to abuse of power and also notify some types of electoral offenses.
- » [\*Resultados-TSE\*](#): a system that allows tallying follow-up and gives access to all electronic voting machine bulletins.

### 5.3 Electronic voting machine park and geographical distribution

The Electoral Court System has an electronic voting machine park equipped with nearly 577 thousand machines. The oldest electronic voting machine model is from 2009 and the latest from 2022.

The electronic voting machine park is divided into main sections – machines effectively installed to receive the electorate’s votes –, contingency electronic voting machines – destined to replace equipment showing defects during the election day – and a technical reserve, destined to meet eventual urgencies that might happen.



Contingency electronic voting machines are allocated, as well as the polling station machines, in the Electoral Regional Courts. On the other hand, the technical reserve is taken care of by the Superior Electoral Court in order to meet urgencies that might happen anywhere in the country or abroad, in this latter case in the elections for President of Brazil.



6

STRAG





## 6 STRATEGIES FOR THE INSTITUTIONAL COUNTERING DISINFORMATION UNIT

Aiming at responding to the challenges that disinformation imposes to the integrity of the elections and to democracy itself, the Electoral Court System has developed the [Permanent Program for Fighting Disinformation](#) in the scope of the Electoral Court System. The program operates as a network, following a systemic multidisciplinary and multi-sector approach, based on the mobilization of the Electoral Court System bodies and the creation of strategic partnerships with multiple actors, including many governmental bodies, press and fact-checking organizations, internet service providers, civil society entities, academia and political parties.





The actions within the scope of the Countering Disinformation Program of the Electoral Court System are organized on three pillars: (i) *To inform*, oriented to the dissemination of official, reliable and quality information; (ii) *To build capacity*, oriented to media literacy and capacity building of all society aiming at understanding the disinformation phenomenon and the electoral process operation; and (iii) *To respond*, related to the identification of disinformation events and strategy adoption, both preventive and repressive, to restrain its negative effects. Get to know the following actions:

- » [Fato ou boato page](#);
- » [Whatsapp chatbot](#);
- » [Electoral Court System Central of Notifications](#);
- » [TV and radio campaigns](#).

Additionally, aiming at developing actions prone to increasing positive perceptions of the electoral institutions, encouraging a general state of social confidence about the honesty of the national elections, as well as the perception of impartiality, professionalism, and the essentiality of the



Electoral Court System for the preservation of the Brazilian democracy, the Superior Electoral Court has developed the Program for Institutional Strengthening from the Electoral Court System Image Management (PROFI).

PROFI operates along two lines: (i) Preventive Axis, oriented to activities of social listening (network monitoring) and processes of reputation hazard management; and (ii) Affirmative Axis, inducing simultaneous actions tending to the building of social confidence. In this framework, the program establishes a matrix of communication oriented by the following guidelines: i) orientation by data; ii) identification of target audiences; iii) centrality of the stance;



iv) cooperation of stakeholders; v) integrated communication; and vi) network action.

As a consequence, and in order to assure the fundamental right to adequate information by all Brazilian citizens, the Superior Electoral Court has established the National Front for Fighting Disinformation (FRENTE), composed of authorities, civil servants, volunteer associates, in order to perform actions and events all around the country with the purpose of defending and reinforcing the credibility of the electoral institutions before Brazilian society, decreasing the negative impacts of misinformation and contributing to the stabilization of the social panorama, through an agenda that contemplates, among others, the diffusion of messages of peace and tolerance.



7

ELITE



# 7 ELECTRONIC VOTING PROCESS



The Brazilian electronic voting process brings together a sequence of acts and procedures that range from the development of electoral systems, through the organization and distribution of electronic voting machines, to the tallying of the election results.

The model adopted allows voting, tallying process, and disclosure of results on the same election day, with security, transparency, and auditability. For more than 25 years, the Brazilian Electoral Court System adopts a pioneer system of electronic voting machines, with no evidenced case of fraud. With the computerized voting, it is possible to overcome old problems involving the integrity of the elections and the vote in paper ballots.

For a good reason, Brazilian elections are very well evaluated in this aspect, in the scope of global specialized initiatives. As an example, both the security and the accuracy in the tallying process have obtained the high integrity seal (grade higher than 4, in a scale from 0 to 5), in the last GPEI rate evaluation.

## 7.1 Voting before the computerized voting

The creation of a mechanized device to collect votes was an old desire in the country. The first Electoral Code, from 1932, had foreseen in its article 57 the “use of voting machines, regulated by the Superior Court”, being ensured the vote secrecy.



In 1985, a computerized electoral register was implemented by TSE and the computerization of the Electoral Court System began in 1986, with the electronic re-registration of approximately 70 million voters. In 1994, for the first time, the tallying of the general elections was carried out by the central computer of the Superior Electoral Court. In 1995, work began on the computerization of voting, with intense research work carried out by a commission of jurists and IT technicians, which presented the first prototype of the electronic voting machine.

For the elaboration of the technical project of the electronic voting machine, including the equipment and programs, a working group was created with the collaboration of information technology, electronics, and communications experts from the *Electoral Court System*, the *Armed Forces (Aerospace Technical Center – CTA)*, the *Ministry of Science and Technology*, and the *Ministry of Communications (National Institute for Space Research – Inpe)*.

The electronic voting machine, as it is perceived today, was used for the first time in the 1996 municipal elections, when voters in 57 cities had their first contact with the voting machine. In those elections, more than 32 million Brazilians voted – a third of the electorate at the time – using approximately 70,000 electronic voting machines. In the 1998 elections, this number increased to two thirds of the country's voters, reaching the total number of voters in the year 2000. In 2006, around 125 million Brazilians voted electronically.



The launching of the new device was also a successful logistics exercise, with the full participation of the Brazilian Air Force, which distributed the electronic voting machines throughout the country.

In March 2009, TSE was granted an award in the field of technology for its contribution to the development of electronic voting machines. The award was the result of a partnership between The University of São Paulo (USP), The George Washington University, and The Business Software Alliance (BSA). BSA is an entity that brings together institutions and companies in the area of information technology and promotes the event to highlight ideas that are unprecedented around the world.



# 7.2 The evolution of the electronic voting machine

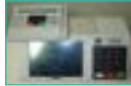


### 1996 version of the Electronic voting machine

It was used for the first time in the 1996 Municipal Elections and reached approximately 32% of the electorate. It had a printer for the registration of the votes, which were deposited directly in a plastic ballot box connected to the machine. On the screen, only the photos of the candidates for the majority offices appeared.

### 1998 version of the electronic voting machine

In this version, the processing and storage capacity of the machine was increased in relation to the previous version, which allowed the registration of all candidates' photos. At that time, the registration of the printed vote had already been extinguished by Act N. 9.504/1997. Approximately 57.6% of the national electorate voted in electronic voting machines in 1998.

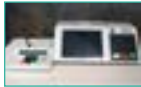


### 2000 version of the electronic voting machine

One of the novelties of this version was the creation of an audio output for earphones, aimed at voters with visual impairments. In the 2000 election, 100% of the electorate used the electronic voting machine.

### 2002 version of the electronic voting machine

The printed vote was again established (Act N. 10.408/2002) for the elections of 2002. The difference of this electronic voting machine in relation to the 1996 model was the provision for the voter to be able to visually check the printed vote, without manual contact. Another change was the adoption of the Windows CE operating system, replacing VirtuOS.

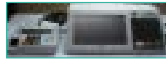


### 2004 version of the electronic voting machine

The print engine of an electronic voting machine was replaced by the digital vote record (RDV), a digital file in which each vote is recorded (Act N. 10.740/2003). Another innovation in this period was the legal provision for the participation of the Brazilian Bar Association, the Prosecutor's Office and political parties in the specification and development phases of all computer programs used in the electronic voting machine.

### 2006 version of the electronic voting machine

This version contains an important innovation: the biometric fingerprint reader for voter authentication at the poll worker terminal. The novelty, however, was only used in the 2008 election, in three municipalities.



### 2009 version of the electronic voting machine

There were important technical innovations in it: at the poll worker terminal, a smart card reader and a graphic display for presenting the voter's photo to the poll worker were inserted; 128 MB flash drives started to store the result memories; and the Windows CE operating system was replaced by Linux – free license software that allows for complete adaptation and modification of the program.

### 2011 and 2013 versions of the of the electronic voting machine

They contain a higher quality biometric reader and an on/off button, which replaces the old way of activating the machine, by using a physical key.



### 2015 version of the electronic voting machine

This model has increased its processing power to improve the execution of complex algorithms. The Electronic Voting Machine Bulletins received QR Codes and TSE made them available to the whole society through the "Boletim na Mão" app.

### 2020 version of the electronic voting machine

The electronic ballot box (UE 2020) has increased its processing capacity 16-fold, gained a touch screen on the poll worker terminal and certified the encrypted perimeter of the security hardware based on the requirements of the Public Key Infrastructure for Encrypted Keys (ICP Brazil).







## 7.3 The electronic voting machine

Since it was first used in 1996, the electronic voting machine has undergone numerous technological changes in order to guarantee Brazilians the positive exercise of citizenship, resulting in a secure and reliable voting process. Today, it is a symbol of Brazilian democracy and the core business of the Superior Electoral Court.

The Brazilian electronic voting machine can be considered one of the most secure voting devices used in the world. Together with the computerization of the Electoral Court System, it enabled the elimination of various types of fraud and human errors existing in the electoral process.

Although simple in appearance, almost unchanged since its creation, the electronic voting machine contains complex systems that evolve and are updated at each new version of the equipment. In addition, it has exclusive cryptographic hardware, which only allows the execution of official software developed by TSE, including the operating system.

## 7.4 Features of the electronic voting machine



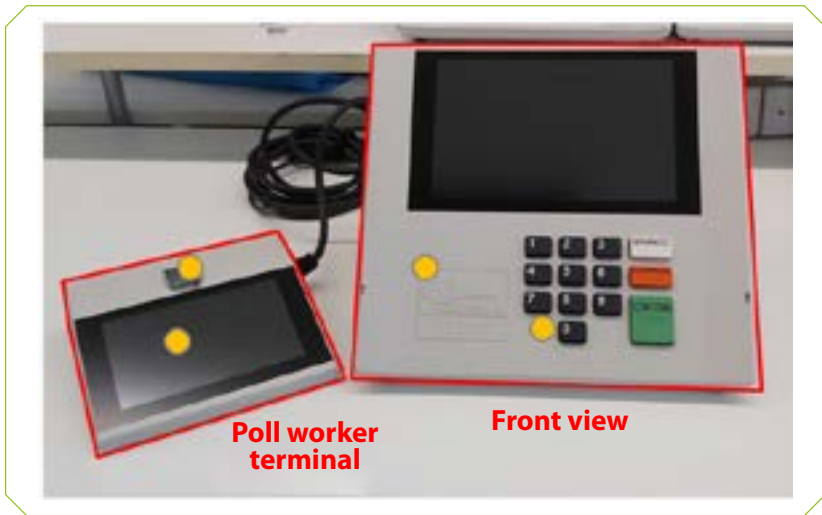


The creation of the electronic voting machine has been oriented by 8 guidelines that have guaranteed the success of the product, the symbol of the Brazilian elections.

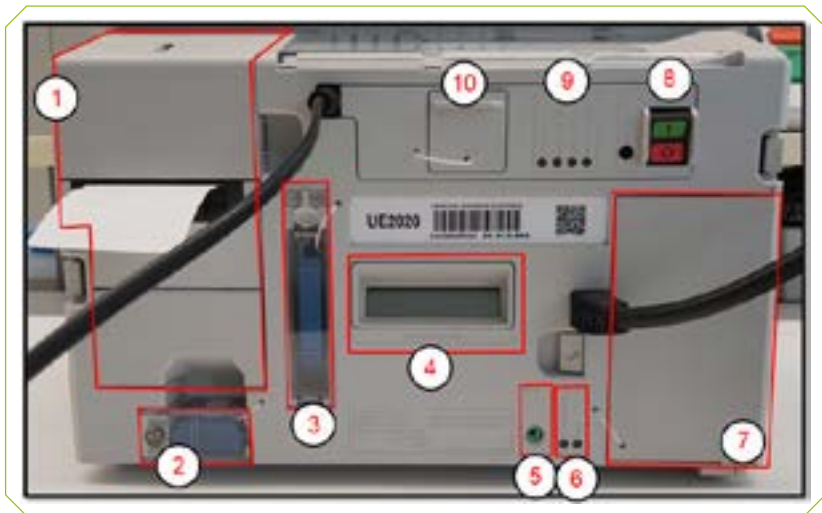
- 1) *Universal solution*: vote casting by the candidate's ou party's number.
- 2) *Adherence to the laws in force*: machine designed to enable evolution in order to guarantee changes in the electoral laws without requiring changes in the electronic voting machine.
- 3) *User-Friendly Usability*: equipment easy to handle by the user, enabling the visualization of the candidate, on the screen, before confirming the vote, besides accessibility resources as Braille keyboard, audiodescription and Libras (Brazilian Sign Language).
- 4) *Reduced cost*: economically viable project, due to the high number of polling stations.
- 5) *Durability*: possibility of use in several elections, decreasing the cost of voting.
- 6) *Security*: elimination of the chance of fraud when recording the ballot and when tallying the results.
- 7) *Facilitated logistics*: a voting machine that is small, robust, low weight, easy to store and to transport..
- 8) *Autonomy*: use of battery in places where there is no electric power.



## 7.5 Components of the electronic voting machine



Background view





1. Report Printer Module (MIR);
2. Application Media;
3. Results Media;
4. Safety Module Display;
5. Headphone input;
6. Safety leds and battery led for the voting machine's clock;
7. Internal battery compartment of the LFP (lithium-iron-phosphate) type;
8. On/Off Switch;
9. AC main, external battery, total battery and critical battery LEDs; and
10. External battery inlet cover.

### **Poll worker terminal**

The poll worker terminal controls the electronic voting machine. The poll worker types the voter card number in order to confirm voter's identity and the ballot. Once voting is finished, the poll worker types a code onto this terminal, which controls the printing of voting bulletins from the electronic voting machine.

1. Fingerprint reading

The biometric reader scans voter's fingerprints in order to confirm his/her identity.

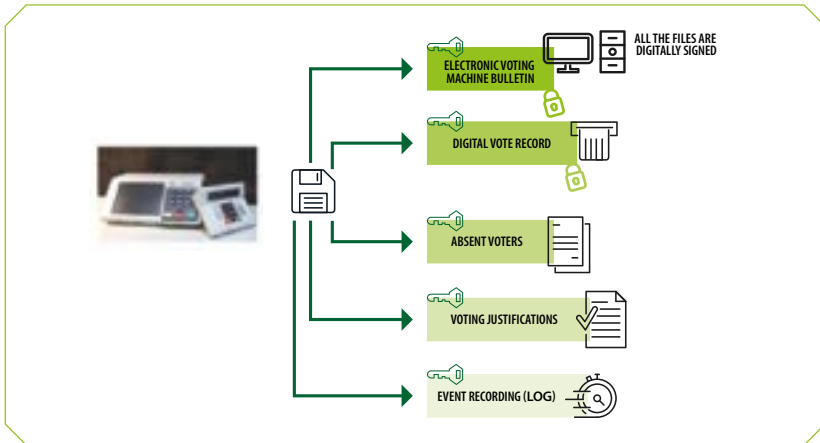


## 2. Keyboard

It has keys numbered 0 to 9, "Confirm" and "Correct" buttons, screen and LED lights indicating the machine status (Clear, Wait, Built-in Battery).

### 7.6 Results produced by the voting machine

Once voting is finished, the following files are saved in the electronic voting machine:



### 7.7 Electronic voting machine accessibility

In accordance with the Convention on the Rights of Persons with Disabilities, the Federal Constitution and regulatory technical standards, the Brazilian electronic voting machine has mechanisms allowing that the voting casting might be performed by all citizens: Braille keys, identification of the number 5 key on keyboards, software enabling the use of earphones, in addition to routine procedures and physical adaptation to places.



## 7.8 Electronic voting machine: security, integrity and transparency

The Electoral Court System uses state-of-the-art information security devices to ensure integrity, authenticity, and, when necessary, secrecy.

Such mechanisms are constantly put to the test during expert assessments, audits and Public Security Tests made by TSE since 2009. Until today, no attempt attempt of tampering the systems or the election results has been successful.

Additionally, there are various auditing and result verification mechanisms that may be exercised by the voter him/herself, and many supervising entities:

- » Political parties, federations and coalitions.
- » Brazilian Bar Association.
- » Public Prosecutor's Office.
- » National Congress.
- » Federal Supreme Court.
- » Office of the Federal Controller General.
- » Federal Police.
- » Brazilian Computer Society.
- » Federal Board of Engineering and Agronomy.
- » National Council of Justice.
- » National Council of the Public Prosecutor's Office.
- » Federal Accounting Court.
- » Armed Forces.



- » National Industry Confederation, other members of the Industry System and corporate entities belonging to S<sup>2</sup> System.
- » Brazilian private entities, non-profit entities, well known for their supervision and transparency advocacy in the government management, accredited by TSE.
- » University information technology departments accredited by TSE.

Electoral Court System Justice and TSE President from May 25<sup>th</sup>, 2020 to February 22<sup>nd</sup>, 2022, Luís Roberto Barroso explains the main security mechanisms of the electronic voting machine:



The security of the electronic voting system is carried out in layers, by means of devices with different characteristics. Such barriers together do not allow that the system to be violated (before, during and after voting):

<sup>2</sup> S System is a grouping of nine professional institutions, in the trade, cooperative, industry, transports and small companies' fields.



### 7.8.1 Before the election day

- I. *Public Security Test (TPS)*: preferably carried out in the year before the elections, TSE submits the developed systems to experts in order to look for problems or weaknesses, in addition to collecting suggestions, which will be resolved and tested before the elections.
- II. *Development of systems by the Electoral Court System*: after any occasional suggestion is collected, the systems continue to be developed and improved by the Electoral Court System itself, in compartmentalized sectors, by technicians subject to a strict control regime.
- III. *Inspection of source codes*: the codes are open to all inspection entities to verify if they are really programmed for the purpose they were designed for and if they have any inconsistencies.
- IV. *Feedback, upgrades and updates*: once any improvements and updates have been performed, the technicians who participated in the TPS and the inspection entities are again called upon to check and certify that the recommendations were duly implemented.
- V. *Digital signature and security sealing of electoral systems*: after analysis by technicians, internally and externally, the source codes are checked and signed by the authorities, inspection entities and auditors. They are immediately sealed in a public ceremony, in which digital hash records are issued.
- VI. *Publication of digital summaries*: the digital summaries are codes capable of univocally identifying a set of systems, so that if any of them is altered, even minimally, the digital summaries will show the adulteration and will no longer be identified. This digital





summary is published on the Internet and can be used in the future to compare whether the system that was inserted in an electronic voting machine is the one that was actually signed and sealed by the inspection entities. In addition, the record is also registered on non-rewritable media and kept in TSE safe room for inspections.

- VII. *Public ceremony for the production of media and preparation of the electronic voting machines:* with the systems definitively ready, a public ceremony is held for the production of the media that will be inserted in the electronic voting machines.
- VIII. *Verification of the systems intended for the transmission of electronic voting machine bulletins (Transportador and JE-Connect):* during a hearing at the TRE, in the period between the day before Election Day until 5 p.m. on Election Day, the systems intended for the transmission of votes are checked again and prepared for the tallying process.

### 7.8.2 On the election day

- I. *Offline Electronic Voting Machines:* the electronic voting machines are installed without any kind of network connection. The electronic voting machine does not have the necessary hardware to connect to a network, nor any form of wired or wireless connection. The operating system is developed by the Electoral Court System so that it does not include any software mechanism that allows connection to networks or remote access. In addition, the media used by the Electoral Court System to prepare the electronic voting machines and record the results are protected by modern digital signature techniques. The security and isolation of the electronic voting machines come from their manufacturing process. The only cable it has is the power cable



and, if necessary, it can be connected only to the battery, in case of a power outage.

- II. *“Zeroth” Report*: before starting the voting, the poll workers, in the presence of party inspectors and witnesses, turn on the electronic voting machine and print the “Zeroth” report, which proves that all the candidates are registered in it and that no votes have been cast, that is, the electronic voting machine has “zero votes”.
- III. *Public Integrity Test (parallel voting)*: the Public Integrity Test is an Electoral Court System audit to confirm the security of the electronic voting machine, using the equipment that was ready to be used by the voter. It consists of carrying out a voting equivalent to the official voting with the purpose of proving that the vote entered is exactly the one that will be counted in the tallying process. On the eve of the elections, a number of polling stations are chosen by random selection and the respective electronic voting machines are collected and immediately installed in TRE for auditing. The electronic voting machines collected from the polling stations are filmed 24 hours a day and protected by the police force. On election day, during voting hours, all candidate numbers are voted on the electronic voting machines, verifying that all names in dispute are actually eligible to be chosen. The entire procedure, from reading the vote to typing it in the electronic voting machine, is filmed and carried out in the presence of an external auditor hired by TSE, in addition to inspection entities, the press and any other interested parties. [Learn more about the TPI.](#)
- IV. *Voting procedure*: during the voting, the process is accompanied by poll workers and inspectors from the political parties. Before voting, the data of each voter is checked by the poll workers.



- V. *Election Observation Missions*: the entire voting process is accompanied by national and international observers.
- VI. *Issuance of the Electronic Voting Machine Bulletin*: at the end of the voting, the voting machine issues the “Electronic Voting Machine Bulletin”, including the tallying of votes in the station, by each candidate.

### 7.8.3 After the election day

- I. *Data transmission and reception on TSE central computer via a private network*: once the tallying of votes is started, the digital signature of the files to be transmitted is checked, being sent to TSE only if they are intact and authentic; when received at TSE, the signature is verified again; the electronic voting machine bulletin polling station is checked if it corresponds to a prepared electronic voting machine (correspondence); a checklist is run on the content.
- II. *Digital vote registration*: The digital vote registration replaces the printed ballot and makes it possible to retrieve votes for electronic recount at any time; It consists of the random insertion of each voter’s vote, digitally signed by the electronic voting machine. There is no possibility of identifying the voter, since the votes, as they are being registered, are randomly deposited in the digital vote registration, preventing any link between the vote and the voter. The file is digitally signed and has a backup copy in the electronic voting machine.
- III. *Tallying of the votes*: When voting in the stations is completed, the machine tallies the votes and generates the result of the station, which is digitally signed and recorded on a result memory. Then



the result memories are sent to the proper place for transmission of votes to TSE.

- IV. *Publication of the results*: the results of all electronic voting machines are published on the internet, giving maximum publicity.
- V. *Data preservation and custody*: the data storage media used by electoral systems, as well as data backup copies, are identified and maintained under appropriate conditions, until the date established in the electoral calendar.
- VI. *Publicity of log files*: the data files that feed the Tallying Management System are available for consultation and future audits.

## 7.9 Voting machines, investigations and auditing

Over the 26 years of using the computerized voting system, several audits and external experts have already publicly attested to the security, integrity and reliability of electronic voting machines. In a substantial [study carried out by the University of Campinas](#), in 2002, it was concluded that “the electronic voting system meets the fundamental requirements of the electoral process, that is, respect for the expression of the voter’s vote and the guarantee of its secrecy”.

In 2008, the Federal Police, in the technical report on municipal elections, discarded all suspicions of fraud in electronic voting machines. In the same year, TSE hired the Information Technology Training Support Foundation (FACT), with the approval by the Renato Archer Information Technology Center, to provide specialized support services in specifying programs to be applied in the Brazilian electronic voting system, focusing on improving security and reducing costs.



In 2021, the National Association of Federal Forensic Experts (APCF) ratified the security and integrity of Brazilian electronic voting machines ([click here](#)). In the same year, the Federal Accounting Court (TCU) also attested that the electronic voting system is secure and auditable ([see the report](#)).

In this sense, numerous institutions and authorities have already manifested themselves publicly, attesting to the reliability of the Brazilian electronic voting system:

- » [Brazilian Academy of Electoral and Political Law \(Abradep\)](#)
- » [Association of Federal Judges of Brazil \(Ajufe\)](#)
- » [Association of Federal Judges of São Paulo e Mato Grosso do Sul \(Ajufesp\)](#)
- » [Association of Judges of Rio Grande do Sul \(Ajuris\)](#)
- » [Brazilian Association of Judges \(AMB\)](#)
- » [National Association of Federal Forensic Experts](#)
- » [National Association of Members of the Public Prosecutor's Office \(Conamp\)](#)
- » [College of Presidents of the Regional Electoral Courts of Brazil \(Coptrel\)](#)
- » [Brazilian Institute of Electoral Law \(Ibrade\)](#)
- » [Prosecution Office of the State of São Paulo \(MPSP\)](#)
- » [Testimony of Electoral Attorneys General](#), signed by: Raquel Elias Ferreira Dodge; Rodrigo Janot Monteiro de Barros; Roberto Monteiro Gurgel Santos; Antonio Fernando Barros and Silva de Souza; Cláudio Lemos Fonteles; Aristides Junqueira Alvarenga; José Paulo Sepúlveda Pertence; and Inocêncio Mártires Coelho.
- » [Testimony of all former Presidents of the Superior Electoral Court \(TSE\) since 1988 Federal Constitution](#), signed by Luís Roberto



Barroso, Edson Fachin, Alexandre de Moraes, Rosa Weber, Luiz Fux, Gilmar Mendes, Dias Toffoli, Carmen Lúcia, Ricardo Lewandowski, Marco Aurélio Mello, Ayres Britto, Carlos Velloso, Sepúlveda Pertence, Nelson Jobim, Ilmar Galvão, Sydney Sanches, Francisco Rezek and Néri da Silveira.

The Justice of the Federal Supreme Court and President of the TSE between May 25, 2020 and February 22, 2022, Luís Roberto Barroso explains the main mechanisms of auditing an electronic voting machine:



### 7.10 Social audit

The participation of society is essential for the evolution of the electronic voting machine and the electoral process. Therefore, the Electoral Court System provides mechanisms and events that allow the active participation of the citizen as an inspection agent.



## 7.11 International acclaim

Electronic voting is not exclusive of Brazil. According to the International Institute for Democracy and Electoral Assistance (IDEA International), headquartered in Stockholm, Sweden, at least 46 countries use electronic systems for casting and tallying votes. Of these, 16 adopt direct-recording electronic voting machines. This means that they do not use paper ballots and thus record votes electronically, without any handling of ballots.



The list includes nations with a solid democratic tradition, such as Switzerland, Canada, Australia and United States of America, a country which adopts electronic systems in some states. In Latin America, Mexico and Peru also use this type of system. In Asia, besides Japan and South Korea, there is the example of India, which uses electronic voting machines similar to those in Brazil, but adapted to their local electoral reality.

The electronic voting machine model used in Brazil, although tailored to the needs and features of the country, has also been shared to assist other countries in their respective elections: Dominican Republic, Costa Rica, Ecuador, Paraguay, Argentina, Guinea-Bissau, Haiti and Mexico have used Brazilian technology.

The list of visitors includes the European Union Commission and 64 countries, of which more than 12 countries and three international organisms have entered into technical cooperation agreements with the Electoral Court System.

## 7.12 Frequently asked questions – Electronic voting machine

### **1) How may voters be sure that the electronic voting machine is secure?**

The Electoral Court System uses the most modern information security mechanisms to ensure the integrity, authenticity, and secrecy of voting. These mechanisms were tested and approved during the Public Security Tests. Furthermore, there are several mechanisms for auditing and verifying results that can be carried out by candidates, coalitions, the Public Prosecutor's Office, the Brazilian Bar Association, the Federal Police –





among other entities – and also by the voters themselves, such as, for example, the Public Integrity Test or by checking the Electronic Voting Machine Bulletin (BU).

## **2) How does the electronic voting machine security work? Is it possible to execute unauthorized applications on the electronic voting machine?**

The electronic voting machine uses the state-of-the-art features when it comes to encryption, digital signature, and digital summary technologies. All this technology is used by the electronic voting machine hardware and software to create a chain of trust, ensuring that only software developed by TSE, generated during the sealing ceremony of the electoral systems, can be executed in the electronic voting machines duly certified by the Electoral Court System. Any attempt to run unauthorized software in the electronic voting machine will result in its operation being blocked. Likewise, attempts to run the official software on uncertified hardware will result in the cancellation of the application's execution. In addition, all data that feeds the electronic voting machine as well as all results produced are protected by digital signatures. It is not possible to modify the data of candidates and voters present in the electronic voting machine, for example. Likewise, it is not possible to modify the voting results contained in the BU, the log of the operations performed by the software, and the RDV file, among other files produced by the electronic voting machine, since all of them are also protected by the digital signature. Finally, it is not possible to run unauthorized



applications on the electronic voting machine, nor to modify any of the electronic voting machine applications.

### **3) Is the electronic voting machine vulnerable to external attacks?**

The electronic voting machine is not vulnerable to external attacks. It is a stand-alone device, i.e. it has no mechanism for connecting to computer networks, such as the Internet. Moreover, it does not have the necessary hardware to connect to a network or even any form of wired or wireless network connection. It is worth noting that the operating system contained in the electronic voting machine is prepared by the Electoral Court System in such a way as not to include any software mechanism that allows connection to networks or remote access. Furthermore, the media used by the Electoral Court System for preparing the electronic voting machine and recording the results are protected by modern digital signature techniques. It is not possible for an hacker to modify any file on these media.

### **4) How does TSE control/inspect potential violations by people working for the Electoral Court System?**

The Electoral Court System uses modern source code version control tools that allow the tracking of what has been modified and by whom. Only a restricted group of servants and employees of the Superior Electoral Court have access to the source code repository and are authorized to make modifications to the software. Additionally, the software used in the elections is the same all over Brazil and is under the strict control of the Superior Electoral Court.

Besides, the knowledge about the electoral systems is segregated within the TSE. This means that the team responsible for the electronic voting machine software is not the same that handles the tallying



system. This access control even occurs at the version control system level. The number of electoral systems involved in the holding of an election is so large that it is impractical for an internal agent to have a degree of knowledge of the whole that would allow it to carry out some kind of attack.

Furthermore, during the development period of the electoral systems, several tests are carried out by both TSE and the Regional Courts, with the objective of verifying the correct functioning of the whole set of software. The political parties, the Public Prosecutor's Office, the Brazilian Bar Association, the Federal Police and other entities can monitor the development of the software through the inspection of the source code, in the very environment in which the applications used in the elections will be generated.

**5) Since the implementation of the electronic voting machine, how many and which cases of suspicion of fraud have been identified by TSE?**

The electronic voting machine was implemented in the Brazilian elections in 1996 and in these 26 years no suspicion of fraud has been confirmed. Whenever there is a suspicion, the case is investigated by the Electoral Court System and also by other bodies that constitutionally have the prerogative to do so, and have already conducted independent audits of the electronic voting machine, such as the Public Prosecutor's Office and the Federal Police. On the contrary, since the implementation of the electronic voting machine a series of maneuvers and deviations responsible for many frauds in the elections have been eliminated.



## **6) Has the electronic voting machine model used in Brazil been adopted in other countries?**

The Brazilian electronic voting machine is a unique project, developed by Brazil to meet the national reality, and it is not a product available for sale in the market. Since its creation, several countries have consulted the Superior Electoral Court with the objective of learning about and adopting this innovative Brazilian technology. In some cases, agreements have been signed with the purpose of sharing knowledge between countries. Since then, electronic voting has been adopted by many countries and, naturally, each nation has made the necessary technological adaptations to make the technology compatible with its legislation, culture, and economy.

## **7) What is the digital vote record (RDV)?**

The RDV is the file in which the voters' votes are registered in the electronic voting machine. It is from this file that the zeroth report is issued – which indicates that the electronic voting machine has no registered votes. Also, based on the RDV, the Electronic Voting Machine Bulletin (BU) is generated – a report with the counting of the votes from the polling station. The RDV file has two important features: the vote is registered exactly as typed by the voter, and the vote register guarantees its secrecy by shuffling the registers. Political parties and coalitions are allowed to obtain copies of the RDV files of all electronic voting machines they deem necessary. In possession of the RDV and the file format specification, made available by the Electoral Court System, the parties and coalitions develop their own applications for comparing the official electronic voting machine results with those produced by their own software.



### **8) Why isn't the vote printed?**

The Federal Supreme Court, during the judgment of the Direct Action for the Declaration of Unconstitutionality N. 5.889, in 2020, declared unconstitutional the printing of the electronic vote, for putting at risk the secrecy and freedom of voting. Consequently, the Electoral Court System is prevented from implementing the printed vote. In any case, due to the direct manual intervention, the possibility of fraud using paper ballots is greater, which would lead to less reliable results than the electronic voting machine itself.

### **9) How does the electronic voting machine system keep record of its operations?**

The electronic voting machine keeps a file with the chronological record of the main operations performed by its software – this is the log file. Among other operations, the beginning and end of the voting, the issuance of reports, the applications that were executed, date and time adjustments, the performance of contingency procedures and the records that help in the evaluation of the voting dynamics are registered in this file. The log file is an additional transparency and auditing mechanism made available by the Electoral Court System.

### **10) What are the Public Security Tests?**

The Public Security Tests aim to strengthen the reliability, transparency and security of vote casting and counting, and to improve the electoral process. By submitting the systems for inspection, the Electoral Court System seeks to find opportunities to improve the software's security mechanisms, relying on the vision and experience of other public bodies, scholars, and any interested citizen. The Public Security Tests are used by TSE as an auxiliary instrument for the continuous improvement of the electoral systems, and the Electoral



Court System has no interest in promoting any kind of competition or individual promotion of the participants.

### **11) Is the source code of the voting software open to the community?**

Currently, the technical Representatives of the political parties, the Public Prosecutor's Office, the Brazilian Bar Association, the Federal Police, among other entities, are allowed access to the source code of the Voting Software and to the entire software set of the electronic voting machine. Therefore, there is transparency about the source code.

### **12) What are the main evolutions of the 2020 electronic voting machine model?**

More modern, more secure, the 2020 Model UE electronic voting machine brings new accessibility features and innovations in terms of security, transparency and agility: (I) the processor of the System on a Chip (SOC) type is eighteen times faster than the 2015 model; (II) because it does not need recharging, the Lithium Iron-Phosphate type battery requires less maintenance costs; (III) a flash drive application media brings greater logistical flexibility for the Regional Electoral Courts (TREs) in the generation of media; (IV) the expected battery life is for the entire life of the electronic voting machine; (V) the poll worker terminal now has a totally graphic screen, without a physical keyboard, and a touch sensitive surface; (VI) the new model has an improved keyboard, with keys with double contact factor, which allows the keyboard itself to show an error, in case of bad contact or intermittent short circuit; (VII) the electronic voting machines that will be used in the 2022 Elections will have great novelties in terms of accessibility. The elements that mark the electronic voting process in Brazil and that have ensured, for more than 25 years, the confidence of the Brazilian people in the electronic voting machine were kept unchanged.




8

CYCLE



# 8 THE ELECTORAL CYCLE

## 8.1 Party conventions

Party conventions are meetings of party members and have the purpose of choosing the candidates who will run for the next election  offices. Currently 16.5 million voters are affiliated to one of the [32 political parties](#) registered with the Superior Electoral Court.

The rules for choosing and registering candidates are regulated in TSE Resolution N. 23.609/2019, amended in 2021. Among the new features, there is the possibility for party federations to put forward candidates, provided they have registered up to six months before the date of the first round of elections, i.e. April 2<sup>nd</sup>, 2022. The same deadline applies to newly registered parties.

A party that until six months before the date of the election has registered its bylaws with the Electoral Court System and has, until the date of the convention, a final or provisional leadership body organized in the circumscription, duly annotated in the competent electoral court, in accordance with the respective party bylaws, can participate in the elections.

Party conventions for choosing candidates have happen in person, remotely or a combination of the two types from July 20<sup>th</sup> through August 5<sup>th</sup>, 2022. It is worth noting that the conventions of the federations may take place in a unified manner, like that of a single party.





Within the 15-day period prior to the convention, candidates for elected offices may do intraparty promotion of their candidacy with the aim of winning the votes of their party's members in order to be the winner in the preliminaries and be able to register as a candidate with the Electoral Court System later.

## 8.2 Pre-campaign

A person wanting to run for an elected office, but who doesn't have his/her registration of candidacy formalized by the Electoral Court System is a *pre-candidate*. Unlike the candidate in the campaign period, already immersed in the electoral dispute, he/she will present his/her candidacy and must pay attention to respective deadlines.

Political party broadcastings, an essential part of candidates' campaign, is allowed only after the registration of candidacies (August 15<sup>th</sup>, 2022). If a candidate or third party starts any kind of propaganda before this period, explicitly asking for votes, he/she may be punished with a fine for "*anticipated propaganda*".

We have a few examples of actions allowed in the *pre-campaign* stage:

- » *To make compliments to candidates*: provided that there is no explicit call for votes, applicable legislation allows pre-candidate's personal flattering.
- » *Content boosting*: [content boosting](#) on the internet is allowed starting in the pre-campaign, as long as there is no mass posting – that is, sending, sharing or forwarding of the same content, or variations thereof – to a large volume of users via instant messaging applications. In this case, explicit call for votes is also forbidden, and the spending limit must be observed.



- » *Interviews:* Participation of members of political parties and pre-candidates in interviews, shows, meetings or debates on the radio, television and the internet is allowed, including platform and political project disclosure.
- » *Seminars and congresses:* Meetings, seminars or congresses, in a closed environment and with expenses paid by the parties, to deal with the organization of electoral processes, discussion of public policies, government plans or party alliances aiming at the elections, also do not constitute anticipated propaganda.
- » *Fundraising:* Fundraising may be carried out from May 15<sup>th</sup>, 2022 on. Nevertheless, the release of these funds by the fund raisers is subject to the registration of the candidacy – only permitted after the party conventions. In case the registration of the candidacy is not effected, the collecting organizations must return the collected amounts to the donors.

### 8.3 Registration of candidacies

The Candidacy Registration Request is the formal act through which a certain party or federation presents its alleged candidates to the Electoral Court System. It is worth noting that, on registration requests, the quota of at least 30% for candidacies of each gender must be reached, under penalty of rejection of the entire slate.

From the moment when the interested party is chosen in a party convention, the registration may be submitted to the Electoral Court System. The deadline for submission of registration of candidacies is August 15<sup>th</sup>, 2022.

For the preparation of the candidacy registration request, TSE provides a system in magnetic media of mandatory use: *System for Candidacies (CANDex)*. All the procedures candidacy registrations are



filed and processed electronically (by means of the Electronic Judicial Process – PJe) and they are public, open to consultation by anyone. The disclosure of personal details will be restrained to the minimum needed, under the Data Protection General Law (LGPD).

Additionally, all information on candidates, including but not limited to certificates, party affiliation, name and photo for the ballot, age, level of education, declaration of assets, government proposals (to the candidates for the Executive Branch), are disclosed in a TSE platform – DivulgaCand, in order to give more transparency and to enable the creation of a database on candidacies, separated by type of elections.

The political party, federation or coalition may replace the candidate whose registration is not accepted, cancelled or suspended, or, still, who resigns or dies after the registration deadline. The selection of a substitute must be made as set forth in the party or federation bylaws to which the candidacy refers. The registration request must be submitted within ten days from the event.

In case of any inconsistency in the request of any candidate, the political party, coalition, federation or the Electoral Prosecution Office may file an objection. During this process, the adversary proceeding, the right to a fair hearing and the right to do campaign acts are assured while there is no final decision.

The candidacy registration processes shall have priority in relation to the other ones, and the Electoral Court must adopt the necessary measures to meet the deadlines, including holding extraordinary sessions and calling substitute judges.



## 8.4 Electoral propaganda

Once the candidacy registration request is made and fundraising rules are observed, candidates may perform campaign acts. In 2022, the rule regulating electoral propaganda, political party broadcastings and illicit conduct in electoral campaigns has been updated, including the following new guidelines:

- » *Disinformation*: Besides prohibiting the broadcasting of propaganda aiming at degrading or mocking candidates, the resolution now also forbids the dissemination or sharing of facts known to be untrue or seriously decontextualized, damaging the integrity of the electoral process. This means that fake news intentionally spread to jeopardize the voting and tallying process may be punished based on criminal liability, abuse of power and undue use of mass media.
- » *Coalition and Federation*: In majority election propaganda, the federation and the coalition must report to all political parties they pertain to. In case of coalition integrated by a party federation, the name of the federation and all political parties must be informed, including those gathered in the federation.
- » *Rally show*: Rally shows in person or broadcast on the internet for the promotion of candidates and presentation of paid or unpaid artists, with the purpose of animating a rally or an electoral meeting are forbidden. The exception to the rule is making shows and events with the specific objective of campaign fundraising with no calling for votes. The prohibition to perform shows extends also to candidates who are professional artists – such as singers, actors and actress, and show hosts. They shall do their regular professional business during the electoral period, provided that they do not appear on radio and television programs or use such events to promote their candidacy.



- » *Campaign materials:* On the election day, the voter may reveal his/her preference for a certain candidate provided it is by means of silent manifestation through the use of flags, pins, badges, stickers, T-shirts and other similar decorations. However, the agglomeration of people in standardized clothing that characterizes a collective demonstration is prohibited.
- » *Use of billboards:* The electoral propaganda through billboards is prohibited, since it exceeds the size allowed by law (50 centimeters by 40 centimeters in size). The political parties, federations, coalitions, candidates and even the company responsible for assembling the billboard may be subject to a fine amounting from R\$5 to R\$15 thousand Brazilian Real.

Campaigns may be carried out until the election day eve. Any kind of propaganda on the election day is prohibited, to the exception of individual and silent manifestation by the voter, who is allowed to use badges, flags, pins and stickers.

## 8.5 Oversight and police power in the electoral propaganda

The supervision of the correctness of the electoral propaganda is one of the duties of the Electoral Court System and the Electoral Prosecution Office, supported by candidates, parties, coalitions, federations and the public in general. The police power is restrained to measures needed to inhibit illegal practices. Prior censorship is forbidden.



To this end, the Electoral Court System has developed a smartphone app (*Pardal System*) enabling the voters to send electoral violation news to the Electoral Court System. *Pardal* was launched by TSE in 2016 and is used for the filing of administrative electoral proceedings related to electoral propaganda irregularities.





During 2020 Elections, the Electoral Court System has received 105,543 charges of electoral propaganda irregularities through TSE *Pardal* app. It means one charge every 1.12 minutes, an average of 1,623 registrations of alleged irregularities per day. The state with the highest number of irregularities was São Paulo, with 23,323 charges reported. Next is Minas Gerais, with 10,240 charges, and Pernambuco, with 9,621 charges. The three with the lowest rate of charges were: Roraima (129), Acre (134) and Amapá (179). Rio de Janeiro, one of the biggest electorates in Brazil – with more than 26 thousand candidacy registration requests and 12 million voters able to vote this year – accounted for 3,166 charges in this period.



## 8.6 Election surveys

The Brazilian legislation establishes the possibility of conducting election surveys, but prohibits the holding of polls. The election surveys are allowed from January 1<sup>st</sup> of the election year. To be disclosed, the election surveys must be previously registered with the Electoral Court System, under penalty of payment of fine. If the survey is fraudulent, even if registered, it is an electoral offense.



For the registration of the survey, the use of the [Election Survey Registration \(PesqEle\)](#) system is mandatory. Information and data inserted on the system will be available for any interested party for 30 days.



The Electoral Court System does not make any previous control on the survey results, nor does it manage or take care of its disclosure, acting when provoked by means of representation.

## 8.7 Campaign funding and accounting

Campaign financing in Brazil is a *mixed* system: it is possible to use both *government funds* (such as the Party Fund, the Special Fund for Campaign Funding and the free electoral party broadcastings on television and radio telecommunications networks), and *private funds*, provided that they come from donations and contributions from individuals (donations by corporate entities are forbidden).

The Brazilian legislation establishes a limit on campaign fundraising and spending, depending on the elected office and election place.

All candidates have the duty to make accountings on an appropriate system (Electoral Accounting System – SPCE). Candidates must insert each resource received within seventy-two (72) hours. In September, an interim accounting will take place, and after the elections, a final accounting will be concluded.

In addition to striving for their publicity, the Electoral Court System is also responsible for the inspection and analysis of the accounts. In case of any irregularity, candidates may be subject to sanctions, such as the suspension of the transfer of public resources, the determination of the return of amounts, in addition to the penalties arising from any abuse of economic power that may imply the cancellation of registration, loss of mandate and ineligibility.

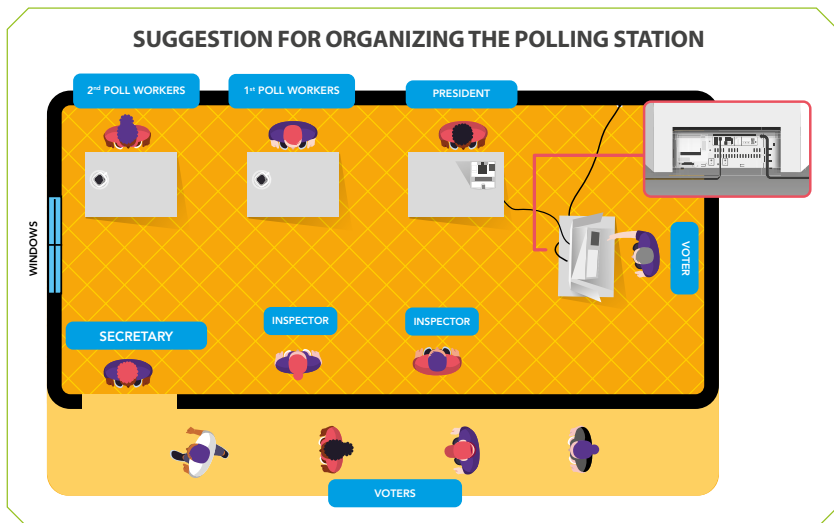


## 8.8 The election day

Elections in Brazil take place from 8 a.m. through the admission of the last voter in line until 5 p.m. However, the work starts well before voting begins, since the polling station is set up as of 7 a.m. with the arrival of the poll workers at their respective polling stations.

A *polling station* is the place where voters are welcomed to exercise their right to vote. At the polling station, the *reception desk*, composed of six poll workers appointed by the electoral judge (one presiding officer, first and second poll workers, two secretaries and an alternate) operates. At the polling station, the electronic voting machine is placed.

The polling station is organized so as to allow for the movement of the voter, providing facilitating materials such as a list of candidates and their numbers (posted to facilitate access for those who have not brought the list of candidates they intend to vote for).







Once the reception desk is set, the president ought to issue a zeroth report before voting starts. Additionally, the summary of the zeroth report shall be issued. The documents certify that there are no votes for a candidate in the voting machine before voting begins. Both must be signed by the presiding officer, the poll workers and the party or federation inspectors who wish to do so. After that, such document shall be posted at a visible place at the polling station.

The duties of the presiding officer include but are not limited to authorizing voters to vote or to justify their vote; communicating to the electoral judge any occurrences that need to be resolved; receiving objections of voters' identities; maintaining order; supervising the distribution of numbers in the line; as well as watching over the preservation of the electoral voting machine, voting booth, and the list with names and numbers of candidates, if any.





Only voters whose names are included in the list at the polling station may vote. For identification sake, some official documents bearing photos shall be accepted. Voter has the right to be identified by his/her social name, which will be listed on the voting register.

Regardless of type or reason, voters with disabilities or reduced mobility may be assisted by a person of their choice. Once the presiding officer



has determined that assistance is indispensable, the second person will be allowed to enter the voting booth, and will even be allowed to type the numbers on the electronic voting machine.

Electronic voting machines have an identification biometric system which recognizes the voter's fingerprints. In 2020, due to Covid-19 pandemics, biometric voting was suspended by TSE resolution. If there is any doubt on the voter's identity, it may be immediately contested by anyone, provided that it is recorded on the Reception Desk Minutes. If the doubt persists, the Electoral Judge shall be called to remedy the event.

While voting, voter must indicate through a number sequence his/her preference in the following order: Federal Representative, State or District Representative, Senator, Governor and President. While  selecting each of them, candidate's name and photo, the party code and respective office will be shown on the  electronic voting machine display. [Voting simulation.](#)

It is forbidden to enter the voting booth with a cell phone, camera, camcorder, radio equipment, or any other instrument that could jeopardize the secrecy of the vote.

By the end of the work, the Presiding Officer shall close the voting proceedings by the issuance of the Electronic Voting Machine Bulletin (BU) and the justification bulletin and by posting a copy of the Electronic Voting Machine Bulletin at the polling station. The presiding officer is also responsible for breaking the seal of the results media compartment and, after removing the media, for placing a new seal with signature. The presiding officer is also in charge of turning off the electronic voting machine, removing the plug or the external battery, and packing the equipment.



## Voting step by step

1

On the election day, the work starts when the sealed electronic voting machine is turned on by the poll worker and prints the zeroth report, an evidence that there are no votes registered on the equipment.

2

**8 a.m.**  
The software only allows the machines to be opened to vote at 8 a.m., never before. From then on, voters present themselves with a voter card or an official document with photo.

3

A poll worker searches for the name on the list and then types the voter card number on the numerical keyboard. On the display, voter's name and two other information (if he/she is registered on that polling station and if he/she is eligible to vote) are shown. Only then voting is allowed.

4

The moment of casting the votes has come. The voting order varies in general or municipal elections.

5

Voter types candidates' numbers and confirms them, pressing the green key. At the end, the electronic voting machine beeps longer and the word "end" is shown on the display.

6

When voting is ended, the system encrypts data, makes the digital recording of the vote and creates a digital signature for it, which works as an inviolability certificate. If anyone tries to change the vote, the electronic voting machine stops working and an attempt of fraud is detected.

7

This stage prevents the secrecy to be broken (it becomes impossible to know who voted for whom) and that data is read on a regular computer, for instance. If there is any attempt of change, the system halts execution.

8

Everything is recorded on three memory devices coupled to the electronic voting machine: one flash drive (called result memory) and two flash cards similar to digital camera cards.

9

**5 p.m.**  
Voting period ends at 5 p.m. The software does not allow ending before this time.

10

From then on, a poll worker closes voting and prints five copies of the electronic voting machine bulletin, including the number of votes cast for each candidate. One copy is posted at the poll station.

11

The flash drive is unplugged and taken by a poll worker to the electoral registry. It is protected by encryption and digital certification.

12

From there, encrypted data is sent to the tallying center of the Regional Electoral Court (TRE) by a private virtual network protected by the Electoral Court System.

13

At the tallying center, a software checks the authenticity of the information, decrypts data and makes the general tallying of votes in the state.

14

At last, TSE makes the reading of TRE database, receives and consolidates the votes, and then discloses tallying in real time of voting in all states on the internet.

## 8.9 Poll workers

Brazil's elections are one of the world's largest and involve a great deal of organization and logistics work to ensure that the voting takes place in a uniform, transparent, and secure manner on the same day throughout the country. To ensure that all citizens have the opportunity to express their will through the vote, the Electoral Court System mobilizes near 2.2 million poll workers to work at each one of the more than 460 thousand polling stations throughout the



country and abroad. Last elections, in 2020, 42.6% – near 667.5 thousand people – worked as volunteers ([check the page of the volunteer poll worker](#)).

As a rule, any Brazilian citizen who is in good standing with the electoral courts and is over the age of 18 can be a poll worker, whether he or she is a volunteer, or has been called in. Candidates and respective spouses and second degree relatives; executive members of political party boards; authorities and police officers holding positions of trust in the Executive Branch and Electoral Court System employees are not allowed to act as poll workers.

Throughout the election year, poll workers are trained by means of a distance learning platform (EaD), or by means of the *Mesário* application. The Regional Electoral Courts, according to logistical and sanitary possibilities, can also organize in-person training. During the training, the future poll workers have a basic understanding of the voting flow, the procedures to be adopted at the polling station, and solutions to any problems that may arise. They also receive a checklist for the beginning and end of the election day.





## 8.10 Temporary relocation of polling stations

For cases in which the voter finds himself in a special situation, foreseen by law, that prevents him/her from exercising his/her right to vote at the polling station where he/she is registered, it will be possible to carry out the “temporary relocation of the voter”.

This is the case of the installation of the polling station for provisional detainees who have not had their political rights suspended as a result of a final criminal conviction.

Another case of temporary relocation is for Brazilian voters in transit within the national territory; members of the Armed Forces, Federal Police, Federal Highway Police, Federal Railway Police, Civil Police, Military Police, Federal, State and District Criminal Police, Military Fire Brigades and Municipal Guards, who are on duty on the election day; people with disabilities or reduced mobility; people from indigenous populations, *quilombolas* and remaining communities.

## 8.11 Election closure

After voting ends, an immediate tallying of votes starts with the issuance of the Electronic Voting Machine Bulletin (BU). The bulletin is a copy of all votes cast on the voting machine. At least three copies



of the bulletin are printed, and one of them is posted at the door of the polling station for everyone to see the results.

[Check the video on the Electronic Voting Machine Bulletin.](#)

The Electronic Voting Machine Bulletin may be seen on TSE Portal or [Boletim na Mão](#) app, which ensure the access and checking of the results through a QR Code. Developed by the Electoral Court System, *Boletim na Mão* app provides voters with all the content of the Bulletins, quickly and securely. No internet connection is required to



read the code visible on the printed document. The application can be installed free of charge on any mobile device.

On-line consultation of the Bulletin can be made on the tallying day, as soon as the tallying is completed in all Brazilian states.

In addition to Electronic Voting Machine Bulletins, the voting machine also issues a Justification Bulletin, which is a list of all voter cards of voters who have justified their absences at that polling station. Justification may be made every time a voter is far from his/her electoral district.

The last document the voting machine issues is the Poll Work Identification Bulletin (BIM), as, in order to turn on the electronic voting machine, right from the beginning of voting, poll workers identify themselves, typing the number of their voter cards in order of registering their work on ELO system of the Electoral Court System.

Once all these documents have been issued, the electronic voting machine records the results on a result memory that is removed and taken for transmission. It is important to point out that this media is encrypted, having a correspondence log to be expected by the Electoral Court System. In case the transmitted media does not present this correspondence, the tallying system will present the inconsistency, and the occurrence must be handled upon analysis by the Electoral Judge.

During the entire voting process, poll workers must record any occurrences in the minutes, such as, for example, contested voter card, voter who has suspended voting, voter without biometric recognition (if it is operational), among others. These minutes are returned to the electoral registry, and make up a document that may be consulted by the public to find out what happened in that election at a certain polling station.



The infographic is a vertical strip with a purple background and a yellow border. It is divided into six horizontal sections, each with a different background color and an illustration. The sections describe the process of using an Electronic Voting Machine Bulletin to check election results. The first section shows a person at a polling station with an EVM. The second shows a person checking a bulletin on a website or app. The third shows two people looking at a bulletin with a magnifying glass. The fourth shows a person posting a bulletin on a wall. The fifth shows a person holding a bulletin with a QR code. The sixth shows a person comparing data on a bulletin.

**#BoletínDeUma**  
You too have power to check the votes cast in your polling station.

This is possible by checking the Electronic Voting Machine Bulletin on the Website or app.

With this tool, you may check the votes cast in polling stations for each party and candidate, invalid votes, blank votes and number of voters of the polling station.

Once voting is ended, poll workers issue the Electronic Voting Machine Bulletin and post it in a visible place at the polling station – you may take a photo of it or read the QR Code on your cell phone.

Within three days from the election, the Electoral Court System makes the electronic voting machine bulletins throughout the country available on <https://resultados.inec.gob.bo/official>


Thus, any voter may compare data and become an inspector of the elections.



## 8.12 Announcement of results and certification of the elected candidates

Once the tallying is completed, the Tallying Report will be issued, an occasion in which a TRE (in elections for federal offices) or TSE (for the office of President and Vice President of Brazil) will issue the General Election Minutes. Such minutes will be signed by the members and will include the data contained in the Tallying Results, with an indication of the elected officials, and his/her substitutes.

In that same session the results will be announced and considered final for the elections within such electoral district, and the General Election Minutes will be published by the secretary.

Candidates elected in 2022 will be certified until December 19<sup>th</sup>, 2022, at a public session, in person or remotely. Certification is the act by  which the Electoral Court System attests that the candidate has been effectively elected by the people and therefore is able to take office.

Under the Electoral Code, certification includes the candidate's name, his/her party, the office to which he/she was elected for or his/her classification as alternate, and, optionally, other details at the discretion of the judge or the court.





9

PARADISE



## 9 POLITICAL PARTICIPATION OF MINORITIZED GROUPS

In recent years, the Superior Electoral Court has taken a decisive stance in the evolution of the process of inclusion of minorities and minoritized groups in politics in Brazil, playing a relevant role in the fight to guarantee the rights of women, black people, indigenous people, the LGBTQIA+ community, and people with disabilities.

With many initiatives in the sense of promoting the expansion of the presence of these groups in spaces of power, in search of a more just and egalitarian society, the Electoral Court System has created: (I) the *Inclusion and Diversity Division*, responsible for promoting the development of educational and informational actions, as well as for encouraging the development of cooperation networks to foster the dialogue on the subject with society and other institutions; (II) the *Committee for the Promotion of Racial Equality* ([Ordinance N. 230/2022](#)), responsible for elaborating studies and projects to enlarge the participation of the black population in the elections; (III) the *Managing Committee for Gender Policy* to plan and follow up the actions related to encouraging women's participation in politics and in the Electoral Court System ([TSE Ordinance N. 791/2019](#)); (IV) the *Committee for the Promotion of Indigenous Participation in the Electoral Process*, aiming at preparing studies and projects to promote and extend the presence of these peoples in the many stages of the elections ([TSE Ordinance N. 367/2022](#)); (V) public hearings with the



LGBTQIA+ community, to learn about the experiences and demands of the lesbian, gay, bisexual, transgender, queer, intersex, and asexual population; and (VI) TSE adherence to the Cooperation Network in the scope of the Accessibility and Social Inclusion of the Persons with Disabilities, aiming at promoting the exchange of accessibility information, experiences, technologies and logistics.

Such activities are directly aligned to the purposes of the 2030 Agenda for Sustainable Development Goals, of the United Nations Development Program (UNDP), under [CNJ Resolution N. 325/2020](#).

The *Women's Ombudsperson Office* prevents and fights cases of political violence, discrimination and other types of abuse suffered by women. The *Electoral Rules Systematization* project designed in 2019 ([Ordinance N. 115/2019](#)) with the purpose of gathering contributions from jurists, the academic community and those interested in the systematization of the electoral legal system, is also responsible for promoting proposals for improvements in the Brazilian electoral practice, with a strong emphasis on respect for diversity and the participation of minoritized groups such as traditional peoples, indigenous peoples and *quilombolas*, in addition to people with disabilities.

Additionally, another point relevant to the Brazilian political history, initially implemented by the Electoral Court System and later enacted by the National Congress, was the establishment of a minimum percentage of 30% for candidacies destined to women in the Special Fund for Campaign Financing (FEFC), also known as Electoral Fund. TSE has also defined that the same percentage ought to be considered in relation to time for free political party broadcastings on radio and television. Among this percentage, the allocation of resources for black candidates must still be observed.

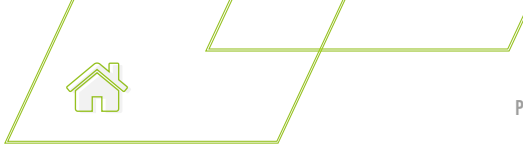


The Electoral Court System has determined that the resources of the Party Fund must be applied to *“in the creation and maintenance of programs to promote and disseminate the political participation of women, created and maintained by the women’s secretariat of respective political party”*. In May 2020, TSE Plenary Session has defined that it is possible that the 30% gender reserve rule for women in proportional candidates also applies to the constitution of party bodies, such as executive committees and national, state and municipal directorates.



10

WTF



# 10 INTERNATIONAL RELATIONS

The Electoral Court System keeps international relations with bodies and entities from other countries, which act collaboratively for the development of electoral good practices and the democratic regime.

## Agreements and Conventions

Year of Execution	Description	Goal
1996	Consulting Service Agreement entered into with the United Nations Development Program (UNDP) financed by BRA/93/035 Project and Gartner Group INC from the USA	To enhance new information system technology
	Agreement between TSE and UNDP – “Institutional Development of the Brazilian Electoral Court System”	To ensure the growth of the technical and administrative capacity of the Human Resources of all entities pertaining to the Electoral Court System



Year of Execution	Description	Goal
2001	Technical Cooperation Agreement with the Secretary-General of the Organization of American States (OAS)	To implement the Pilot Plan for Automated Voting in Municipal Elections, occurred in Paraguay on November 18 <sup>th</sup> , 2001, signed in Asunción
2002	Technical Cooperation Agreement with the Secretary-General of the Organization of American States (OAS)	To put forward the Pilot Plan for Automated Voting
2003	Technical Cooperation Agreement with the Secretary-General of the Organization of American States (OAS)	To put forward the Pilot Plan for Automated Voting
	Complementary Agreement to the Basic Technical and Scientific Cooperation between Brazil and Mexico	To implement "Demonstration and Dissemination of the Brazilian Electronic Voting and Counting System in Mexico City" Project
	Complementary agreement to the Technical Cooperation Agreement between Argentina and Brazil	To implement the electronic voting system in the Province of Buenos Aires



Year of Execution	Description	Goal
2004	Technical Cooperation Agreement between the Government of the Federative Republic of Brazil and the Secretary-General of the Organization of American States (OAS)	To put forward a Pilot Plan for Automated Voting in the Republic of Ecuador
	Technical Cooperation Agreement with the Secretary-General of the Organization of American States (OAS)	To promote the electronic voting in Panama
2005	Complementary Agreement to the Technical Cooperation Agreement between the Federative Republic of Brazil and the Government of the Argentine Republic	To implement the electronic voting system in the Province of Buenos Aires
	Supplementary Technical Cooperation Agreement with the Secretary-General of the Organization of American States (OAS)	To put forward a Pilot Plan for Automated Voting in Panama
	Technical Cooperation Agreement between Brazil and the Secretary-General of the Organization of American States (OAS)	To automate voting in Paraguay





Year of Execution	Description	Goal
	Technical Cooperation Agreement between the Brazilian Government and the Secretary-General of the Organization of American States (OAS)	To automate voting in the Republic of Honduras
	Technical Cooperation Agreement between the Brazilian Government and the Secretary-General of the Organization of American States (OAS)	To put forward Pilot Projects for Automated Voting
	Brazil/OAS/TSJE Technical Cooperation Agreement	To send electronic voting machines to Paraguay elections
2006	Agreement between Brazil and the Democratic Republic of Congo (DRC)	To teach Congolese technicians on the electoral litigation matter
2007	Renewal of the Agreement with Paraguay on technical cooperation and provision of electronic voting machines for the 2007 presidential elections	To borrow 20,000 electronic voting machines for the elections in April 2008 and technical auditing staff in December 2007



Year of Execution	Description	Goal
2009	Amendment to the Basic Technical and Scientific Cooperation Agreement between the Republic of Guinea-Bissau and the government of the Federative Republic of Brazil	To implement the “Modernization of the Guinea-Bissau Electoral System” project
2010	Letter of Intentions between Brazil and European Union (UE)	To cooperate with Electoral Processes
2016	Cooperation Agreement between TSE and the National Electoral Institute (INE) in Mexico	To perform cooperation and exchange actions as regards elections
2017	General Cooperation Agreement with the Electoral Court of the Judicial Branch of Mexico Federation (TEPJF)	To perform cooperation and exchange actions as regards elections

### Memoranda of Understanding

Year of Execution	Country	Institution
2010	India	Indian Electoral Committee
	Mexico	Electoral Court of the Judiciary Branch of the Federation
	OSA	OAS – Organization of American States
2011	UN	UNDP – United Nations Development Program
	Russia	Central Electoral Committee

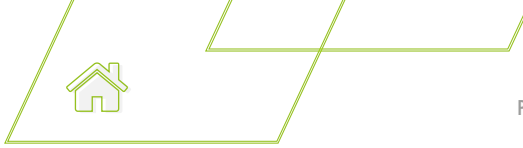


Year of Execution	Country	Institution
	East Timor	Technical Department of Electoral Administration of East Timor
2012	Korea	National Committee of the Republic of Korea
2014	Sweden	IDEA – International Institute for Democracy and Electoral Assistance
	Indonesia	Institute for Peace and Democracy
	Dominican Republic	Electoral Superior Court of the Dominican Republic
	Dominican Republic	JCE – Central Electoral Board of the Dominican Republic
	Sudan	National Electoral Committee of Republic of Sudan
2015	Cape Verde	Institutions with Electoral Responsibility of Cape Verde
	Ecuador	National Electoral Board of the Republic of Ecuador
2016	Guinea-Bissau	National Elections Committee
	Mexico	INE – National Electoral Institute of the Mexican United States
2017	Mexico	TEPJF – Electoral Court of the Judiciary Branch of the Federation
	Paraguay	TSJE – Superior Court of the Electoral Court of Paraguay



11

MAIN



# 11 MAIN EVENTS OF 2022 ELECTORAL CALENDAR

For complete calendar: [TSE Resolution N. 23.674/2021](#)

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January 1 <sup>st</sup> (Saturday)	<p>The date as of which entities or companies intending to disclose electoral surveys are obliged to register them in advance with the Electoral Court System.</p> <p>The following actions are forbidden:</p> <ul style="list-style-type: none"><li>» The free distribution of goods, values or benefits by the Public Administration, except in legal cases.</li><li>» The promotion of social programs carried out by an entity linked to or maintained by a candidate.</li><li>» Public bodies and entities of the Indirect Administration incurring advertising expenses that are higher than the average expenses in the first half of the previous three years.</li></ul>
March 5 <sup>th</sup> (Saturday)	<p>Last day for publication of TSE guidelines relating to 2022 elections.</p>
April 2 <sup>nd</sup> (Saturday – 6 months earlier)	<p>Deadline for:</p> <ul style="list-style-type: none"><li>» Registration with TSE of bylaws of parties intending to participate in the elections.</li><li>» A pre-candidate to register his/her electoral domicile in the district where he/she wants to run for office and to have his/her affiliation agreed upon by the party.</li><li>» Governors, President of Brazil and mayors to leave their offices in case they want to run for another office.</li></ul>

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April 5 <sup>th</sup> (Tuesday – 180 days earlier)	A general revision of the compensation of civil servants that exceeds the restoration of the loss of their purchasing power during the election year is forbidden.
May 4 <sup>th</sup> (Wednesday – 151 days earlier)	Deadline for: » Electoral enlisting, transfer or revision operations. » Provisional detainees and interned adolescents who do not have regular electoral registration to be enrolled or apply for regularization of their situation in order to vote in the 2022 elections.
May 15 <sup>th</sup> (Sunday)	Date after which pre-candidates are allowed to raise funds in the form of collective financing, the release of funds being subject to the registration of the candidacy, the obtainment of a CNPJ (corporate taxpayer number) and the opening of a specific bank account.
June 16 <sup>th</sup> (Thursday)	Date on which TSE will disclose the amount of the Special Fund of Campaign Financing.
June 30 <sup>th</sup> (Thursday)	Date after which broadcasters are prohibited from broadcasting programs presented or commented on by a pre-candidate.
July 2 <sup>nd</sup> (Saturday – 3 months earlier)	Public officials are prohibited from practicing various conducts, such as institutional propaganda, except in the cases provided for in the legislation, and making statements on TV and radio outside the free political party broadcastings, except when, at the Electoral Court System's discretion, the issue is urgent, relevant, and pertaining to the government's functions.
July 4 <sup>th</sup> (Monday – 90 days earlier)	Last day for the Electoral Court System to hold a hearing with the entities interested in disclosing the election results.



<p>July 5<sup>th</sup> (Tuesday)</p>	<p>Date after which, within the 15-day period preceding the date set by the party for choosing candidates, the pre-candidate is allowed to carry out intra-party advertising with a view to nominating his or her name, with the use of TV, radio, and billboards prohibited.</p>
<p>July 25<sup>th</sup> (Friday)</p>	<p>The date as of, for municipalities with an electorate of more than 100,000, the conventional polling stations must be enabled to receive transit votes, or specific transit polling stations must be created.</p>
<p>July 16<sup>th</sup> (Saturday)</p>	<p>The date on which, until August 15 and in the three days preceding the election, TSE may broadcast reports, bulletins, and instructions to the electorate on TV and radio, and may assign part of this time to TRE.</p>
<p>July 17<sup>th</sup> (Sunday)</p>	<p>The date from which the internet will be available to consult voting locations with vacancies for transit voting.</p>
<p>July 18<sup>th</sup> (Monday)</p>	<p>From this date to August 18<sup>th</sup>:</p> <ul style="list-style-type: none"> <li>» Voters with reduced mobility or disability will be able to qualify to vote in 2022 in another polling station in their municipality.</li> <li>» It will be possible to transfer voters to polling stations for provisional detainees and interned adolescents.</li> </ul>



<p>July 20<sup>th</sup> (Wednesday)</p>	<p>Date from which</p> <ul style="list-style-type: none"> <li>» Until August 5<sup>th</sup>, conventions aimed at deliberating on coalitions and choosing candidates are allowed.</li> <li>» Until November 4<sup>th</sup>, the electoral proceedings will have priority for the participation of the Public Prosecutor's Office and of the judges of all courts and instances, except for habeas corpus and writ of mandamus proceedings.</li> <li>» Is assured the exercise of the right of reply to the candidate, party, federation of parties or coalition affected, even indirectly, by statement libelous, defamatory, insulting or known to be untrue concept and image, disseminated by a communication media.</li> <li>» Parties and candidates, after obtaining the candidate's CNPJ (corporate taxpayer number) and opening a specific bank account for campaign finance, must send to the Electoral Court System, for disclosure on the internet, data on resources received for campaign financing, observing a deadline of 72 hours after receiving these resources.</li> </ul> <p>Last day for the Electoral Court System to publish the spending limits for each elected office.</p>
<p>August 5<sup>th</sup> (Friday)</p>	<p>Deadline for holding conventions aiming at pass resolutions on coalitions and to select candidates.</p>
<p>August 6<sup>th</sup> (Saturday)</p>	<p>From this date on, TV and radio broadcasters are prohibited from practicing the conducts set forth in article 45 of Act N. 9.504/1997, including but not limited to give a candidate, party or coalition a privileged treatment.</p>





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August 15<sup>th</sup>  
(Monday)

Date from which:

- » The offices of the Electoral Courts shall remain open on Saturdays, Sundays and holidays.
- » The procedural deadlines for the 2022 elections must be counted continuously and not extended when they fall due on Saturdays, Sundays and holidays, except for those submitted to the procedure of art. 22 of Complementary Law N. 64/1990.
- » The Electoral Courts will adopt a series of measures to speed up the processing of election-related cases.
- » By August 21<sup>st</sup>, the Electoral Courts will call for the parties and the TV and radio stations to prepare the media plan for the free political party broadcasting.
- » No polls related to the electoral process will be allowed.

Last day for:

- » Political parties, federations and coalitions to request the registration of candidates for:
    - a) President and Vice President of Brazil: until 8 a.m., broadcasting via internet, or until 7 p.m., in media delivered to the Superior Electoral Court.
    - b) Governor and Vice Governor, Senator and their respective alternates, Federal Representative and State or District Representative: by 8 a.m., via internet transmission, or by 7 p.m., in media delivered to respective Regional Electoral Court.
  - » The parties and federations to provide the opening of a specific bank account destined to transfer public and private resources for the election campaign.
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August 16<sup>th</sup>  
(Tuesday)

Start of the election campaigns.

Date from which:

- » Electoral propaganda is allowed, including on the Internet.
- » Until September 29<sup>th</sup>, candidates, parties, federations and coalitions may hold rallies and use fixed sound systems – from 8 a.m. to midnight, and the time may be extended for another 2 (two) hours when it comes to campaign closing rallies.
- » Until September 30<sup>th</sup> paid advertising in the printed press and the reproduction on the internet of the printed newspaper will be allowed, provided the legal limits are met.
- » Until 10 p.m. on October 1<sup>st</sup>, there may be distribution of graphic material, walking tours, motorcades, parades or sound cars passing through the city promoting candidates' jingles or messages, observing the legal limits and prohibitions.
- » Until October 1<sup>st</sup>, candidates, parties, federations or coalitions may use, between 8 a.m. and 10 p.m., loudspeakers or sound amplifiers at their headquarters or in vehicles.



<p>August 18<sup>th</sup> (Thursday)</p>	<p>Last day to request, change or cancel the right to vote in a different polling station from the one of origin, by voters who fit into the following situations:</p> <ul style="list-style-type: none"> <li>» In transit within the national territory.</li> <li>» Temporary prisoners and adolescents in detention units, extending this prerogative to penitentiary agents, criminal police officers and employees of these establishments, if a polling station is installed.</li> <li>» Members of the Armed Forces, Federal Police, Federal Highway Police, Federal Railway Police, Civil Police, Military Police, Military Firefighter Corps, Federal, State and District Criminal Police, and Municipal Guards, who are on duty during the elections.</li> <li>» With disabilities or reduced mobility.</li> <li>» Belonging to indigenous populations, quilombolas, and remaining communities.</li> <li>» Judges, electoral prosecutors, and servants of the Electoral Court System.</li> </ul>
<p>August 21<sup>st</sup> (Sunday)</p>	<p>Deadline for electoral courts to draw up a media plan for free political party broadcastings together with political parties, federations and TV and radio stations.</p>
<p>August 26<sup>th</sup> (Friday – 37 days earlier)</p>	<p>Date from which, until September 29<sup>th</sup>, 2022, the free electoral propaganda on radio and television relating to the first round will be aired.</p>
<p>September 2<sup>nd</sup> (Friday – 30 days earlier)</p>	<p>Deadline for TSE to call for inspection entities to the Ceremony of Digital Signature and Seal of Systems to be employed in 2022 Elections. The parties shall observe this deadline to fill remaining vacancies for proportional elections, in compliance with the minimum and maximum percentages for candidacies of each gender.</p>



September 9 <sup>th</sup> (Friday)	Date from which, until September 13 <sup>th</sup> , parties and candidates must send the first partial accounting report, containing the register of financial and/or cash transactions that occurred until September 8 <sup>th</sup> .
September 12 <sup>th</sup> (Monday – 20 days earlier)	The date by which all candidate applications, even those that have been contested and the respective appeals, must be judged.  Last day for the request of substitution of candidates for the majority and proportional elections, except in case of death of the candidate.
September 15 <sup>th</sup> (Friday)	Disclose of interim accounting on TSE portals.
September 17 <sup>th</sup> (Saturday – 15 days earlier)	After this date, no candidate may be detained or arrested except in flagrante delicto.
September 22 <sup>nd</sup> (Thursday – 10 days earlier)	The date from which the Regional Electoral Courts will explain to the voter what is required to vote; the provision of this service by third parties is prohibited.
September 27 <sup>th</sup> (Tuesday – 5 days earlier)	The date after which no voter may be detained or arrested, except in the case of flagrante delicto or a conviction for a non-bailable offense or for failure to comply with a safe-conduct.



September 29 <sup>th</sup> (Thursday – 3 days earlier)	<p>The date after which the electoral court or the presiding officer of the polling station can issue a safe-conduct in favor of a voter who suffers moral or physical violence in his/her freedom to vote.</p> <p>Last day for:</p> <ul style="list-style-type: none"> <li>» Broadcasting of free election propaganda on TV and radio.</li> <li>» Public meetings or promotion of rallies and use of fixed sound systems, between 8 a.m. and midnight, except for the campaign closing rally, which may be extended for additional two hours.</li> <li>» Debates on TV and radio, which may be extended until 7 a.m. on September 30<sup>th</sup>.</li> </ul>
September 30 <sup>th</sup> (Friday – 2 days earlier)	Last day for the paid publication of electoral propaganda in the printed press and the reproduction, on the internet, of printed newspapers with electoral propaganda.
October 1 <sup>st</sup> (Saturday – the day before)	<p>Last day for electoral propaganda through loudspeakers or sound amplifiers, between 8 a.m. and 10 p.m.</p> <p>Deadline for distribution of graphic material and promotion of a walk, motorcade, parade, or sound car that passes through the city promoting candidates' jingles or messages – until 10 p.m.</p>
October 2 <sup>nd</sup> (Sunday)	<p>1<sup>st</sup> ROUND</p> <p>Last day for candidates and parties to raise funds and incur obligations, except fundraising for the sole purpose of paying off expenses already incurred and not paid by that date.</p>



October 3 <sup>rd</sup> (Monday – day after the 1 <sup>st</sup> round)	Date from which: » After 24 hours from the close of voting (5 p.m. local time), the promotion of motorcades and distribution of political propaganda material for the second round will be permitted, as well as electoral propaganda through loudspeakers or sound amplifiers, between 8 a.m. and 10 p.m., and the promotion of rallies or use of fixed sound systems, between 8 a.m. and midnight, and the time may be extended for an additional two hours when it is a campaign closing rally.
October 4 <sup>th</sup> (Tuesday)	at 5 p.m.: » The period when no voter may be arrested or detained ends.
October 5 <sup>th</sup> (Wednesday – 3 days after the 1 <sup>st</sup> round)	Last day for the Electoral Court System to publish, on the Internet, ballot papers received for tallying, as well as the effective tables of correspondence.
October 7 <sup>th</sup> (Friday)	Beginning of the free electoral propaganda period, on TV and radio, related to the second round.
October 15 <sup>th</sup> (Saturday – 15 days before the 2 <sup>nd</sup> round)	After this date, no candidate participating in the second round of voting may be detained or arrested, except in the case of flagrante delicto.
October 25 <sup>th</sup> (Tuesday – 5 days before the 2 <sup>nd</sup> round)	Date after which no voter may be arrested or detained except in flagrante delicto, or by virtue of a criminal sentence for a non-bailable crime, or for failure to comply with a safe-conduct order.



<p>October 27<sup>th</sup> (Thursday – 3 days before the 2<sup>nd</sup> round)</p>	<p>The period of validity of the safe-conduct order issued by the Electoral Court or by the President of the Reception Panel begins.</p> <p>Last day for political propaganda through public meetings or promotion of rallies and use of fixed sound systems, between 8 a.m. and midnight, except for the closing rally of the campaign, which may be extended for an additional two hours.</p>
<p>October 28<sup>th</sup> (Friday – 2 days before the 2<sup>nd</sup> round)</p>	<p>Last day for:</p> <ul style="list-style-type: none"> <li>» Broadcasting the free electoral propaganda of the second round on TV and radio.</li> <li>» Paid advertising of runoff election propaganda in the print media.</li> <li>» Debate, which may not extend beyond midnight.</li> </ul>
<p>October 29<sup>th</sup> (Saturday – 1 day before the 2<sup>nd</sup> round)</p>	<p>Last day for:</p> <ul style="list-style-type: none"> <li>» Electoral propaganda through loudspeakers or sound amplifiers, between 8 a.m. and 10 p.m.</li> <li>» Distribution of graphic material and promotion of a walk, motorcade, parade, or sound car that passes through the city promoting candidates' jingles or messages – until 10 p.m.</li> </ul>
<p>October 30<sup>th</sup> (Sunday)</p>	<p>2<sup>nd</sup> ROUND</p> <p>Last day for candidates and parties to raise funds and incur obligations, except in the case of fundraising for the sole purpose of settling expenses already incurred and not paid by this date.</p>



<p>November 1<sup>st</sup> (Tuesday – 2 days after the 2<sup>nd</sup> round)</p>	<p>At 5 p.m., it ends: » The period when no voter could be arrested or detained.</p> <p>Last day for: » Candidates and parties to forward to the Electoral Court System the accounts for the first round. » Candidates, parties, federations, and coalitions to remove the advertisements from the first round.</p>
<p>November 2<sup>nd</sup> (Wednesday – 3 days after the 2<sup>nd</sup> round)</p>	<p>Last day for the Electoral Court System to publish, on the Internet, ballot papers received for tallying, as well as the effective tables of correspondence.</p>
<p>November 19<sup>th</sup> (Saturday – 20 days after the 2<sup>nd</sup> round)</p>	<p>Last day for candidates who ran in the second round of elections, the parties and the federations to send the electoral courts their accounts for both rounds.</p>
<p>December 1<sup>st</sup> (Thursday)</p>	<p>Last day for voters who did not vote in the first round to present an excuse for their absence.</p>
<p>December 15<sup>th</sup> (Thursday)</p>	<p>Last day, observing the deadline of up to 3 (three) days before the graduation date, for the publication of the electoral decision that judges the accounts of the elected candidates.</p>
<p>December 19<sup>th</sup> (Monday)</p>	<p>Last day for the certification of the elected candidates.</p>
<p>December 20<sup>th</sup> (Tuesday)</p>	<p>Closing, by the financial institutions, of the bank accounts opened for the movement of resources from the Party Fund and campaign donations.</p>
<p>December 31<sup>st</sup> (Saturday)</p>	<p>Official cancellation of the candidates' registrations at the Internal Revenue Service.</p>
<p>January 09<sup>th</sup>, 2023 (Monday)</p>	<p>The deadline for voters who failed to vote in the second round of the election to submit a justification to the electoral court is over.</p>



**90 ANOS DA  
JUSTIÇA  
ELEITORAL**  
90 ANOS EM AÇÃO PELA DEMOCRÁCIA



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