

Elections, digital rights, and disinformation

Challenges and lessons learned
from the Brazilian experience in 2022



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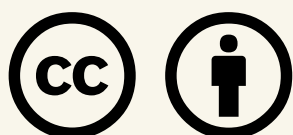
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Executive summary

This report is the result of Fellowship research at Derechos Digitales, conducted between November 2022 and May 2023, which sought to investigate the specificities of the disinformation ecosystem in Brazil's 2022 presidential elections. This election was an essential chapter in the history of Brazilian politics in a contest marked by polarisation of the population and informational chaos that defined the direction of democracy in the country. In this research, we took the 2022 Brazilian elections as a case study to extract some of the lessons on confronting disinformation in order to contribute to deeper critical reflections on the role of technologies in electoral contexts in other countries. To this end, we mapped the main discussions and events on disinformation related to digital rights in electoral processes, involving the techno-political context, regulatory issues, platforms' role, and other relevant actors. Based on the collection and systematization of publicly available information from reliable sources and interviews with professionals from different areas and sectors, we present a qualitative analysis on three axes of discussion on the disinformation ecosystem:

1. Brazilian techno-political context from 2018 to 2022

The first axis is contextualization, briefly reviewing the country's recent history to understand the fundamental techno-political aspects of the electoral dynamics in 2022. In this historical overview, we recount the elements that marked the 2018 elections, which saw the election in Brazil of Jair Messias Bolsonaro, one of the leaders who emerged in the wave of the rise of the global far right. One of the hallmarks of the 2018 election was the use of communication strategies on digital platforms for disinformation campaigns and online advertising, primarily through WhatsApp and mass messaging techniques. Thus, we seek to understand some of the ruptures and continuities in the dynamics of political communication and the use of disinformation between the 2018 and 2022 electoral campaigns.

2. Regulation, rights, and electoral justice

Based on the techno-political contextualization of the previous election and the events that occurred during the Bolsonaro administration, the second axis focuses on analyzing regulatory aspects and the actions of the Electoral Justice and other authorities before and during the 2022 election. Thus, we seek to systematize the main legal and legislative discussions, updates, and normative changes regarding the fight against disinformation from 2018 to 2022. We highlight the Supreme Court's resolutions in 2019 and 2021 on electoral propaganda (Resolution No. 23,610/2019 and Resolution No. 23,671/2021) and Resolution No. 23,714/2022, established during the second round to reinforce the fight against disinformation related to the electoral process. We also discuss other relevant regulatory frameworks in the area of online electoral campaigns, such as the Brazilian Civil Rights Framework for the Internet (Marco Civil da Internet), the General Data Protection Law (Lei Geral de Proteção de Dados) and the discussions around the bill on platforms regulation (PL 2630/202). Next, we present a qualitative assessment of the measures taken by the Superior Electoral Court (TSE) and other actors before and during the 2022 election, gathering data on the practices adopted to combat disinformation.

3. Digital platforms and the disinformation ecosystem

The third axis analyzes the main transformations in the multi-platform disinformation ecosystem from 2018 to 2022. From a socio-technical perspective, we examine how the platforms' infrastructures are involved in disinformation flows, highlighting, for example, the differences between social networks and messaging apps such as WhatsApp and Telegram. We also present an overview of the measures taken by the platforms in agreement with the TSE, critical aspects of their policies, and data disclosed in their institutional materials regarding their role in combating disinformation. Furthermore, we analyze the thin line between advertising practices on digital platforms and disinformation campaigns, pointing out some of the main challenges facing the professionalization of an influence industry that exploits the platforms' advertising and communication structures to spread disinformation. In addition, we offer perspectives and assessments from academics, third-sector professionals, and journalists on

the role of platforms in the fight against disinformation, and on civil society actions during elections to pressure platforms to take or enhance measures aimed at guaranteeing rights and electoral integrity.

We conclude the report by reflecting on some main findings on disinformation in the 2022 elections, as identified in the research on the Brazilian context. By listing the main lessons learned from the Brazilian elections in terms of the fight against disinformation and discussions on digital rights, we seek to contribute to reflections in other countries, especially those geopolitically close to Latin America and the Global South, on regulatory issues, the actions of platforms and authorities, and also civil society initiatives. The points listed are:

_ The effects of systematic disinformation can weaken democracy and favor political and institutional ruptures, but we cannot look for simple solutions to a complex problem.

_ Platform regulations based on human rights and effective mechanisms to ensure greater transparency in content moderation are an urgent need.

_ A swift and diligent electoral justice system, with the collaboration of other relevant actors in the exercise of their respective roles, is crucial while always respecting institutional limits.

_ The importance of electoral protocols, policies adapted to local contexts, and efficiency in platform actions.

_ Civil society cooperation and collective work to address the complexity of the disinformation phenomenon is fundamental to an approach based on respect for fundamental rights.

1. Introduction

In recent years, the global scenario has seen the progressive use of digital platforms and networks to mediate political communication during the administration of governments and electoral campaigns, which has significantly impacted Western democracies. Since at least 2016, with the US elections that elected Donald Trump, digital political campaigns have been strongly marked by the complex phenomenon of disinformation, popularly called fake news, involving an ecosystem of participatory and networked propaganda (BRITO CRUZ, 2020; REGATTIERI, 2021). Using lies and false information to gain political advantage is not a novelty; however, many experts have argued that disinformation has taken on a new scale, quantitatively and qualitatively, characterizing it as a contemporary phenomenon.

In the context of this research, disinformation is conceived as a complex and multifaceted socio-technical and techno-political phenomenon that involves the production and dissemination of totally or partially false and decontextualized content by different actors and with various objectives, promoting information chaos. It is a multi-format phenomenon (DOURADO, 2021), inherent to the current architecture and infrastructure of information circulation and multi-platform digital communication (CESARINO, 2022), as well as to the business model of technology companies based on the engagement of users in a context of surveillance capitalism (ZUBOFF, 2020) and attention economy (BENTES, 2021; 2022). While acknowledging the essential conceptual differences between terms such as fake news, disinformation, and misinformation, we favor the use of the term disinformation to comprehensively encompass these phenomena in an ecosystem that, in the electoral sphere, uses techniques of participatory propaganda (REGATTIERI, 2021) and networked propaganda (BRITO CRUZ, 2020).

In Brazil, a milestone for the instrumentalization of disinformation as a political communication strategy was the presidential elections in 2018. One hypothesis worked out by different studies to understand Bolsonaro's electoral success in 2018 was the development of communication strategies firmly based on the utilization of social networks, especially mass messaging via WhatsApp groups, microtargeting techniques, and disinformation to reach diverse voter groups (EVANGELISTA; BRUNO, 2019), aligned with the country's political, social and cultural situation at the time.

Throughout Bolsonaro's four years in office, his government consolidated a permanent digital communication infrastructure with his supporters, including social networks and messaging apps in a cross-platform distribution (INTC, 2020), which coordinated the spread of fake news, hate speech, and incitement to political radicalization. Bolsonaro's political communication was characterized by lies from the president himself and his supporters in disinformation campaigns on digital platforms, combining professional strategies of coordinated communication led by his son Carlos Bolsonaro and the well-known Cabinet of Hate (MELLO, 2020) with the organic diffusion of these networks. During the COVID-19 pandemic, Bolsonaro's network campaigns have taken the harmful effects to another level, as fake news in this context has contributed to people getting sick and even dying. In Brazil, the phenomenon of disinformation is also inseparable from the rise of the extreme right and the instrumentalization of these digital tools.

Although disinformation was no longer a novelty, the 2022 Brazilian elections were still strongly marked by the effects of the multi-platform disinformation ecosystem consolidated over the last few years. As in 2018, the end of the election did not end the spread of disinformation. Fake news went beyond the context of social networks and became part of pro-coup demonstrations by Bolsonaro supporters who questioned the outcome of the elections, culminating in the severe anti-democratic attacks that took place in Brasilia on January 8, 2023.¹ Despite being strongly marked by informational chaos, this election saw a coordinated response to disinformation, including collaboration between public authorities, companies, and civil society. Moreover, between 2018 and 2022, measures were taken to mitigate Bolsonaro's authoritarian outbursts and their harmful consequences for society and democracy.

What were the specificities of the disinformation ecosystem in the Brazilian presidential elections in 2022? Departing from this general question, this research aims to analyze the main events and debates on disinformation in the 2022 Brazilian elections in the field of digital rights, to deepen critical

1 More information at <<https://g1.globo.com/df/distrito-federal/noticia/2023/01/08/bolsonaristas-radicais-entram-em-confronto-com-a-policia-na-esplanada-e-sobem-rampa-do-congresso-nacional-em-brasilia.ghtml>>

Accessed on 09/29/2023.

reflections on the role of technologies in the electoral context and draw up some recommendations based on the lessons learned from the Brazilian context. Our interest is to understand the main ruptures and continuities in digital influence strategies that use disinformation as a propaganda technique in the stance of digital platforms and authorities, especially concerning the 2018 elections, as this inaugurated a series of debates on the topic in the country. In this sense, in order to comprehend what happened in 2022, we need to grasp the historical, political, and technological context behind the rise of a far-right leader in the country.

For this purpose, we have defined three research axes for the qualitative analysis. The first axis focuses on the Brazilian techno-political context from 2018 to 2022, presenting a brief overview of the country's recent history to analyze the conditions for the establishment of certain dynamics in political communication in the country. This contextualization helps us comprehend the events of the 2022 elections and critically reflect on the role of platforms and other actors in the flow of disinformation and the democratic process. Techno-political contextualization also allows us to look at disinformation in its complexity, seeking to avoid deterministic and reductionist perspectives regarding the role of technology in the electoral process.

The second axis explores issues of regulation, digital rights, and electoral justice, seeking to gain insight into the actions of the authorities and institutions in the fight against disinformation during the 2022 elections. What were the novelties of the electoral regulations on disinformation and online political advertising in 2022? What were the principal issues and challenges encountered by legal authorities before and during the election? Based on these questions, we have mapped the regulatory updates and the main challenges and debates surrounding the political events before and during the election.

The third axis seeks to understand the multi-platform disinformation ecosystem by analyzing how digital platforms operate in the fight against disinformation. How did the dialogue and collaboration with the Electoral Justice and civil society work? What measures were taken on content moderation and boosting in their practices and policies? From a socio-technical approach, we seek to understand the flows of disinformation and platform infrastructure's role in political communication dynamics. We also

examine the fine line between advertising and disinformation by analyzing the actions taken by the platforms. In addition, we bring in perspectives from actors in civil society, academia, and other areas to evaluate the actions of these companies. Finally, we present some important civil society initiatives in pressing for the optimization of the platforms' measures to guarantee rights and protect the electoral process.

Although we know that disinformation is produced by different actors linked to various candidates and political spectrums, we will prioritize the analysis of issues related to the campaign of far-right candidate Jair Bolsonaro. This decision is due to the fact that there is sufficient evidence already mapped on the systematic use and instrumentalization of disinformation as a tool for political communication to mobilize supporters and voters on behalf of Bolsonaro and his allies (CESARINO, 2022; DOURADO, 2021; GOMES, 2020; BARBOSA, 2019). Moreover, we understand that Bolsonaro's political project has brought concrete threats to democracy and fundamental rights in Brazil, which have been consolidated in the electoral process and have culminated in an increasingly evident coup attempt, according to ongoing investigations by the Federal Police.²

As a research methodology, we favored the collection and analysis of publicly available information from reliable sources, including news from the media, content from fact-checking agencies, laws, resolutions and data released by the Electoral Justice, institutional materials, policies, and information disseminated by the platforms in their official channels, and a bibliographic survey of studies conducted by academic research and third sector organizations. Additionally, we used some specific tools and databases, such as the Achearegra,³ platform, created by InternetLab to facilitate searches

2 See <<https://www.cnnbrasil.com.br/politica/cid-diz-em-delacao-que-bolsonaro-discutiu-plano-de-golpe-com-cupula-do-exercito-aeronautica-e-marinha/>> Accessed on 10/03/2023.

3 Available at <<https://achearegra.internetlab.org.br/>> Accessed on 07/25/2023.

on the terms of use of digital platforms related to the 2022 elections; the ad libraries of the Meta⁴ platform, and a transparency tool for boosted content on Facebook and Instagram.⁵

To deepen the qualitative analysis, we conducted 23 interviews with relevant actors, mostly online, between December 2022 and May 2023 to map their perspectives on the disinformation ecosystem in the 2022 Brazilian elections and identify concerns and good practices.⁶ In addition, we requested access to information from the Superior Electoral Court (TSE) under the Access to Information Law (LAI).

This report is divided into three chapters, each following the research axes' themes. Finally, we conclude with some reflections on the main lessons learned from the research analyses regarding the electoral disinformation ecosystem in the Brazilian context.

4 Available at <https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=BR&media_type=all> Accessed on 07/25/2023.

5 The Telegram Monitor, a transparency tool used by the Eleições sem fake project and developed by researchers at the Federal University of Minas Gerais (UFMG) to monitor hundreds of political groups on Telegram, was implemented for an analysis that was not included in the scope of this report. The study made it possible to understand the disinformation content and narratives that predominated in the Brazilian electoral context and will be presented in a later publication.

6 The complete list of interviewees is attached as an annex to the report with additional information on the operation area, date, and further details on the interview protocol.

2. Brazilian techno-political context from 2018 to 2022

a. A brief history of political polarization in Brazil from 2013 to 2018

In 2018, part of the Brazilian population was astonished by the election of Jair Bolsonaro, an ex-military with over 30 years in politics who became president of the republic, marking the culmination of a process of the rise of the extreme right in the country. After a government characterized by the deterioration of democratic institutions, Bolsonaro ran for re-election in 2022 but ended up losing to his political opponent, former president Luiz Inácio Lula da Silva.

A brief historical overview of the central issues that led to Bolsonaro's election in 2018 helps us analyze the context of the decisive Brazilian techno-political arrangements in 2022. Understanding some of these elements of Brazil's recent political history is crucial to explaining the establishment of certain dynamics in political communication on digital platforms in recent years and the challenges presented to the Brazilian democratic process.

Like other Latin American countries, Brazil went through a period of military dictatorship in the latter half of the 20th century, which ended with a re-democratization process initiated in 1985 and consolidated with the Federal Constitution of 1988, leading to the first direct elections in 1989. As political scientist Luciana Veiga explains, the voting behavior of Brazilians in presidential elections since the re-democratization until 2014 was well described by the Rationality Theory, which posits that voters act as a kind of judge, rationally evaluating political and economic factors to define their vote. However, since the 2014 elections, other terms have become necessary to understand the electoral behavior in the country beyond the financial and ideological aspects.

In June 2013, shortly before the 2014 elections, mobilizations initiated on social media triggered protests in the streets of several cities across the country, reflecting, on the one hand, an international context such as the Arab Spring, mobilizations in Spain and the United States, and on the other hand, a domestic situation of political and economic discontent that prompted the initiation of the protests. At that time, we began to see the role

of digital platforms and the internet as an essential element in the country's political communication, whose impact would progressively increase in the following years. Thus, various analysts⁷ have seen the political events of 2013 as a framework to explain some significant transformations in the Brazilian political scene in recent years, which paved the way for Bolsonaro's election in 2018 (GOMES, 2020).

While in 2013, during the first term of former president Dilma Rousseff (PT),⁸ there were right-wing and left-wing voters on the streets with different demands, the following year saw the beginning of a process of political polarization that intensified until 2018, leading part of the Brazilian population to turn radically to the right in subsequent years. Despite Dilma Rousseff being reelected in 2014, that year's elections signaled the beginning of a growing antagonistic sentiment toward the Workers' Party (PT), which had governed the country since 2003.

This anti-PT sentiment is central to understanding the Brazilian context between 2013 and 2018. It was shaped by a series of political events, including corruption scandals involving the party, the impeachment of President Dilma Rousseff and the arrest of Lula in early 2018, the unfolding of the trials initiated in the so-called Operação Lava Jato (Car Wash Operation) - an investigation that began in 2014 and uncovered a major corruption scheme involving governments and public and private companies. In this political context, as Veiga elucidates, ideological issues and negative affectivity towards the PT gained strength as a basis for electoral behavior. Furthermore, the outbreak of one of the most severe economic crises the country has experienced in recent decades intensified anti-PT sentiment (NUNES, 2022).

Another important factor in understanding the Brazilian context in the last decade is the exponential relevance of digital platforms as political communication mediators. In 2016, the US elections opened a new chapter in global politics, placing digital communication strategies and disinformation in electoral campaigns' repertoire of political action. In 2018, when the

7 See more on the documentary series *Passado a quente* <<https://open.spotify.com/playlist/37i9dQZF1DWXiB9cxbA9QC>> Accessed on 04/07/2023

8 Associated with the Workers' Party (PT), Dilma Rousseff was president of Brazil between 2011 and 2016, when she suffered the impeachment process.

Cambridge Analytica⁹ scandal came to light, it became clear that politicians were using all available resources – legal and illegal – to exploit voters’ vulnerabilities and convert their votes, highlighting the potential impact of digital platforms on the democratic process.

While in 2013, social media were important for political mobilization in Brazil, which still took place mainly in the streets, by 2018, these platforms were already one of the main spaces for political articulation and mobilization. According to the annual TIC Domicílios¹⁰ survey, in 2013, 43% of the Brazilian population had access to the internet. In 2018, this figure rose to 67%, reaching 82% in 2021 after the pandemic. With increased access to the internet, the Brazilian population has progressively become more informed and communicates more about politics on digital platforms.¹¹

Beyond the political and technological aspects, cultural transformations such as the strengthening of conservatism in the country were important for understanding the context of the 2018 elections, which placed moral and customs issues at the center of the debates. These elements built the sociotechnical conditions for a political juncture that would allow the rise of the extreme right to the republic’s presidency in the figure of Jair Bolsonaro.

9 See <<https://www.theguardian.com/news/2018/mar/17/cambridge-analytica-facebook-influence-us-election>> Accessed on 10/02/2023.

10 Available at <https://cetic.br/media/analises/tic_domicilios_2021_coletiva_imprensa.pdf> Accessed on 04/07/2023.

11 When revisiting the Brazilian techno-political context with a view to the dynamics of political communication in the electoral sphere, it is worth noting that these figures reflect connectivity that is not only unequal but also precarious. As the ICT Households 2022 survey also indicates, 62% of these connections are exclusively via mobile devices and, in many cases, through limited data plans, restricting adequate access to the diversity of online information. See <<https://www.cetic.br/pt/noticia/92-milhoes-de-brasileiros-acessam-a-internet-apenas-pelo-telefone-celular-aponta-tic-domicilios-2022/>> Accessed on: 08/04/2023.

b. The 2018 elections: disinformation, mass messaging and the prominence of WhatsApp

The 2018 electoral race represents a historic turning point in the role of digital platforms as mediators of political communication and in the rise of the far right in Brazil. Although the use of digital technologies in electoral campaigns was already increasing in previous years, it was not until the presidential election in 2018 that the new formats of digital advertising and the large-scale dissemination of fake news became central to the political debate in Brazil, following the trends of electoral processes elsewhere in the world. While in the United States in 2016, the use of algorithmic content dissemination systems on platforms such as Facebook characterized Trump's campaign (MANOKHA, 2018; KAISER, 2020), in the 2018 Brazilian elections, it was the instant messaging application WhatsApp that played a leading role with the implementation of mass messaging (EVANGELISTA; BRUNO, 2019).¹² Subsequently defined by the TSE (Resolution 23,671/2021), mass messaging [disparos em massa] is the sending, sharing, or forwarding of the same content, or variations thereof, to a large volume of users through instant messaging applications.¹³

As a private messaging service, the app has an end-to-end encryption architecture for security and privacy reasons, which means that “nobody - including WhatsApp - can read or listen to your personal chats or calls”.¹⁴ While this feature helps protect private conversations, it has also made it challenging for authorities to monitor illegal practices and the spread of disinformation.

12 Available at <<https://www1.folha.uol.com.br/poder/2018/10/empresarios-bancam-campanha-contra-o-pt-pelo-whatsapp.shtml>> Accessed on 10/20/2018

13 Art. 37, item XXI of Resolution 23.671/2021, Available at <<https://www.embrapa.br/manual-de-editoracao/padronizacao-e-estilo/numeral/numerais-leis-documentos-oficiais>> Accessed on 05/07/2023

14 Available at <https://faq.whatsapp.com/518562649771533/?locale=pt_BR> Accessed on 08/17/2023.

In October 2018, during the second electoral round, a report by journalist Patrícia Campos Mello for *Folha de S. Paulo*,¹⁵ revealed how several political marketing companies were purchasing mass messaging packages via WhatsApp, using candidate databases and other digital strategy agencies to send messages against the PT and in support of the PSL candidate. The repercussions of the report were drastic,¹⁶ resulting in the blocking of a series of accounts linked to the agencies disseminating messages via WhatsApp (MELLO, 2020) and discussions about the legality or otherwise of these practices.

Following up on the investigation, Campos Mello (2020) discovered that political marketing agencies such as Yacows, one of the companies mentioned in the first report, not only illegally used the name and taxpayer registry number (CPF) of thousands of Brazilians to register cell phone chips and avoid WhatsApp spam blocking, but also provided politicians with voter databases without their proper authorization. To enable the use of a cell phone chip in Brazil, it is necessary to register it with a name and CPF. Since by 2018, WhatsApp had already been blocking numbers that sent large volumes of messages to curb spam, such agencies required a large number of SIM cards to replace those eventually blocked by the platform.

This way, mass messaging circumvented the prohibition on corporate donations to campaigns, which has been considered illegal since 2015.¹⁷ Legal entities could directly hire political marketing companies, circumventing the regulations on Internet advertising, which only allowed paid content promoted by official representatives of the campaigns, as we will see below. Another illegality associated with these practices is the improper use and sharing of databases by the companies involved in the mass messaging. Although the General Data Protection Law (LGPD) was not yet in force at the time,

15 Available at <https://www1.folha.uol.com.br/amp/poder/2018/10/empresarios-bancam-campanha-contra-o-pt-pelo-whatsapp.shtml?__twitter_impression=true> Accessed on 10/18/2018.

16 While Bolsonaro's opposition parties pressed for his candidacy to be impeached, Bolsonaro's supporters began an operation to attack the journalist's reputation and discredit her and her article.

17 Available at <<https://www.tse.jus.br/comunicacao/noticias/2016/Agosto/doacoes-de-pessoas-juridicas-estao-proibidas-nas-eleicoes-2016>> Accessed on 07/21/2023.

Article 57-E¹⁸ of the Elections Law (Law 9504/1997) already prohibited the use, donation, or transfer of clients' electronic records by public and private entities to benefit candidates, parties, or coalitions.¹⁹ Considering this, the case of mass messaging would serve as a basis for his opponents' opening of impeachment protocols against Bolsonaro, alleging abuse of power and misuse of the media.²⁰

The report *Dados e eleições 2018*, by Coding Rights in partnership with Tactical Tech, showed that strategies based on the use of data and behavioral and psychological segmentation techniques, as occurred in the 2016 US elections, revealed in the Cambridge Analytica case, inspired political propaganda practices in the 2018 election campaigns in Brazil. It demonstrates, for example, how political marketing companies used both public databases (such as the Census) and private companies (such as Serasa, Experian, and Vivo) to collect data, including demographics and telephone numbers. According to an investigation carried out by *The Intercept*,²¹ several agencies providing electoral publicity services through WhatsApp used group and voter monitoring software to measure the agenda topics, users' moods and receptivity to campaign messages. By doing so,

18 Included by Law 12034 of 2009. Available at <http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2009/Lei/L12034.htm#art4> Accessed on 08/17/2023.

19 Entities mentioned in Article 24 of the Elections Law (Law 9504/1997): I - foreign entity or government; II - direct and indirect public administration body or foundation maintained with funds from the Public Power; III - public service concessionaire or permissionaire; IV - private law entity that receives, as a beneficiary, a compulsory contribution by virtue of a legal provision; V - public utility entity; VI - class or trade union entity; VII - non-profit legal entity that receives funds from abroad. VIII - charitable and religious entities; (Included by Law No. 11.300, of 2006) IX - sports entities that receive public funds; (Included by Law No. 11.300, of 2006) IX - sports entities; (Redacted by Law No. 12.034, of 2009) X - non-governmental organizations that receive public funds; (Included by Law No. 11.300, of 2006) XI - civil society organizations of public interest. (Included by Law No. 11.300, 2006).

20 Available at <<https://www.poder360.com.br/justica/pt-protocola-duas-acoes-no-tse-contra-atuacao-de-bolsonaro-em-campanha/>> Accessed on 08/25/2023.

21 Available at <<https://theintercept.com/2018/10/22/whatsapp-politicos/>> Accessed on 10/22/2018.

they would identify the ideal target audience to receive each specific type of content and the right time to receive it, segmenting messages based on user profiles and groups.

Another factor contributing to WhatsApp's prominence in the 2018 elections is linked to a feature of the country's telecommunications services. These are zero-rating plans, which involve subsidized traffic for specific platforms guaranteed by the mobile phone and internet plan, thereby boosting the use of the app in contexts where inequalities permeate internet access, as is the case in Brazil. As Bruno Renzetti (2023) notes, this type of service seems to contribute to disseminating fake news and controversial content while also bringing a clear competitive dimension, which has already been analyzed by the Brazilian competition regulator, the Administrative Council for Economic Defense (Cade).²² This is because, as we have seen, it ends up providing unequal access to the internet and reliable information, since a portion of the poorer population is subject to limited access to certain platforms due to their telephone plans. In the case of WhatsApp, most messages are received from friends, acquaintances, and family rather than from reliable sources of information. As a result, the populations of poorer countries are more susceptible to the adverse effects of zero-rating, given that the price per gigabyte is high, and only 6% of Brazilians have unlimited plans (RENZETTI, 2023).

While WhatsApp has become a prominent issue in the media and the public election debate, its closed architecture with end-to-end encryption hinders a deeper assessment of how the platform was used to spread disinformation in 2018. On the other hand, the lack of transparency from other tech companies also does not contribute to an overall assessment of their role in this ecosystem. In this context, academia, media and civil society organizations have been developing methodological strategies to monitor the dissemination of fake news, ranging from direct participation in public groups to automated methods of data collection (CESARINO, 2022; JÚNIOR et al., 2021; NASCIMENTO et al., 2022; NETLAB UFRJ, 2022a; REGATTIERI, 2021) and research on the mass

22 Cade decided to close the administrative investigation against telephone operators that offered the zero-rating packages on the grounds that there was no competitive issue. See more at <<https://teletime.com.br/01/09/2017/cade-arquiva-investigacao-sobre-uso-de-zero-rating-em-planos-de-operadoras-moveis/>> Accessed on 07/21/2023.

messaging industry and illegal advertising (CODING RIGHTS; TACTICAL TECH, 2018; MELLO, 2020), among others. As a result, it was possible to generate evidence that disinformation was undoubtedly a hallmark of the 2018 elections and that, since then, there have been professional and systematized strategies in the country for using false information to persuade voters with propaganda techniques on different platforms.

According to Dourado (2021), during the three-month election period that year, an average of 3.7 fake news stories per day circulated on social media platforms, with 346 classified as false by fact-checking projects. In many cases, they were related to homophobic speeches (such as a reference to the gay kit that was supposed to be distributed to children by the leftist government) and to questioning electoral institutions with supposed evidence of fraud in electronic ballot boxes. In these different narratives in a variety of formats (texts, hyperlinks, videos, images, audio, etc.), *fake news* are constituted as “facts based on the deliberate invention of evidence that help to forge a real event”, in which “factuality is manufactured having as structure different levels of news language, which may appear even in a rather rudimentary and amateurish way, but which is not without significance to signal that it is not an opinion, literary or humorous report” (DOURADO, 2021, p. 37).

Although other events in the country’s political scene that year were decisive for Bolsonaro’s election in October, the relevance of the misuse of technology, personal data, and disinformation in political campaigns triggered a series of discussions between authorities in Congress, the judiciary, and civil society in the search for new parameters to deal with these phenomena. That year’s presidential election marked the beginning of a government with authoritarian and extremist tendencies, which bet a large part of its political strategies on disinformative narratives in communication with supporters through social media. Based on the evidence identified during the electoral period, the Brazilian population saw the consolidation of an increasingly professional and systematized disinformation ecosystem over the next four years.

c. Bolsonaro and bolsonarism: the rise of the far right and the professionalization of the disinformation industry

The election of Bolsonaro also consolidated Bolsonarism, which incorporates characteristics of the far right at a global level but also takes on features specific to the Brazilian political and socio-cultural context. It is necessary to explicitly differentiate the phenomenon of Bolsonarism from Bolsonaro's voters in both the 2018 and 2022 elections, as the coalition that elected him is broader than the hard core of the former president's supporters (NUNES, 2022). As Nunes (2022) emphasizes, smaller than its actual or potential electorate, Bolsonarism is bigger than Bolsonaro himself and involves the actual convergence of different trends in Brazilian society.

In her analysis of the contemporary relationship between politics and digital media, Letícia Cesarino (2022) draws attention to the striking similarities between the 2018 Brazilian elections and a global wave of new right-wing movements. The author partly attributes this generality to specific characteristics of the infrastructure of digital platforms, which are not understood as the cause of the phenomena but as a decisive element that, in its mediation in political communication, "introduces biases that favor certain latent directions in society and not others" (CESARINO, 2022, p.12). Cesarino brings a cybernetic perspective to analyze complex phenomena such as digital populism and disinformation in terms of circular and co-emergent causalities, avoiding linear assumptions of deterministic visions of technology. This approach moves away from a reductionist view of digital platforms causing disinformation and/or political radicalization. Instead, it considers these phenomena's complexity, exploring the multiple layers, actors, and processes involved.

In light of these considerations, she claims that today, the new digital media favors a systemic dynamic that she calls anti-structural. In her analysis, the anti-structure is the anti-norm, "those marginal, latent, heterodox layers of the system in a given socio-historical configuration" (p.15). When the center of the system goes into crisis, it is this that comes to the surface, tensioning the system so that what was marginal goes to the center and the configuration as a whole turns "inside out." Thus, Cesarino's work gives us interesting theoretical and methodological leads to understanding the role of platforms in the crisis of democracy and truth at a global level. According to the author,

these crises are related to the centrality of the new media in the dialectic between structure and anti-structure, whose complex and even paradoxical social effects contribute to the destabilization of structures that organized the political, scientific, legal, and media environment for much of the 20th century. “By dramatically increasing the speed of circulation of sociotechnical systems, [new media] contribute to accelerating processes of structural change that would otherwise have occurred slower” (CESARINO, 2022, p.16).

In Cesarino’s view, therefore, the crises of confidence in democracy, science, and the traditional media are understood as the same crisis, whose similar contours in different regions of the world strongly indicate the technical dimension, which is relatively independent of particular social circumstances. Despite the global nature of these crises, their analysis does not exclude the relevance of local circumstances in explaining specific communication dynamics. In this sense, the local socio-cultural and political context is also fundamental to understanding how certain communication dynamics are established in each specific context and, in turn, how local particularities should be considered in the public policies of governments and the platforms themselves.

In the local context, the different discursive matrices typical of Bolsonarism (NUNES, 2022) bring together, on the one hand, aspects of broad global processes such as neoliberalism, conservatism, and populism, with authoritarian tendencies, attacks on democratic institutions, and negationism like other far-right movements; on the other hand, they also incorporate elements typical of Brazilian political history such as militarism and an anti-corruption discourse.

Bolsonaro’s government professionalized permanent digital communication strategies with his supporters throughout his four years in office, including social media and messaging apps in a cross-platform distribution (INTC, 2020). Such strategies favored the spread of fake news, hate speech, and incitement to political radicalization, helping the Brazilian far right to consolidate itself as one of the country’s main political forces. According to research conducted by the Election Observatory (AVRITZER, SANTANA, BRAGATTO, 2023), the 2022 electoral process was characterized by a growth of the extreme right, which went from 22% to 36% of the Brazilian population between 2018 and 2022.

Therefore, the instrumentalization of disinformation was not only an electoral strategy for Bolsonaro but was also used throughout the whole government. A striking moment was the COVID-19 pandemic, when he and his supporters used disinformation at different times during the management of the health crisis, justifying measures based on denialism and conspiracy theories.

Another disinformative discourse that Bolsonaro and his supporters promoted throughout his term was that of electoral fraud, which would be intensified in the 2022 electoral period.²³ Jair Bolsonaro and his supporters have been campaigning against electronic ballot boxes for years, questioning electoral integrity and reinforcing a narrative of fraud. According to the Digital Democracy Project, an initiative of FGV ECMI, in its report “Desinformação on-line e contestação das eleições: quinze meses de postagens sobre fraude nas urnas eletrônicas e voto impresso auditável no Facebook”,²⁴ “between November 2020 and January 2022, there were 394,370 posts about fraud in electronic ballot boxes and auditable paper ballots, published by 27,840 accounts, including pages, personal profiles, and public groups” Among the twelve accounts with the highest volume of interactions (over 1 million each) on Facebook posts about ballot fraud and printed ballots, Jair Bolsonaro’s official profile is one of his primary spokespeople, along with other elected representatives who support him, says the study.

The ex-president and his supporters did not only foment the attacks on the ballot box and the discourse of electoral fraud on social media. There was an effective attempt to approve a constitutional amendment (PEC 135/2019) to establish “the expedition of physical ballots,” known as the Printed Vote PEC, which was defeated in the plenary of the Chamber of Deputies in August 2021.²⁵

23 See more at <<https://www.derechosdigitales.org/20124/a-industria-da-desinformacao-e-o-papel-das-plataformas-nos-ataques-a-democracia-brasileira/>> Accessed on 07/14/2023

24 Available at <<https://democraciadigital.dapp.fgv.br/estudos/desinformacao-on-line-e-contestacao-das-eleicoes/>> Accessed on 02/20/2023

25 Available at <<https://www1.folha.uol.com.br/poder/2021/08/camara-barra-voto-impresso-esvazia-discurso-golpista-e-impoe-derrota-a-bolsonaro-em-dia-de-blindados.shtml>> Accessed on 03/20/2023.

Leticia Cesarino, commenting on the dynamics of communication in Bolsonaro online communities, notes that the data collected from monitoring Bolsonaro groups on Telegram²⁶ show surges in which some particular agendas and narratives were intensely promoted. According to her, these surges could last for days or weeks but are not sustained for long in this Bolsonaro audience. Another element she highlights in this ecosystem of disinformation in waves is the oscillation between online and offline crowds. Examples include dates such as April 1 (the anniversary of the 1964 military coup in Brazil, celebrated by sectors of the armed forces and Bolsonaro supporters) and September 7 (Brazil's independence day, which Bolsonaro seized to mobilize his supporters), as well as other episodes of Bolsonarist protests²⁷ promoted throughout his term in office. Cesarino's observation about the repercussions of online communication and offline political mobilization seems relevant for understanding some events following the 2022 elections, such as the roadblocks and the attempted coup d'état involving the destruction of public property on January 8.

It is within this context of highly capillary and organized political communication infrastructure, a political climate of attack and distrust of institutions and democracy, and a mobilized and radicalized political base on and offline that Bolsonaro arrives in the 2022 electoral race. One concern

26 Monitoring carried out by the Leticia Cesarino project, conducted in partnership with the Digital Humanities Laboratory of Universidade Federal de Bahia, which combines computational methods with social science methods.

27 Examples of this were the various so-called motociatas, protests carried out on motorcycles mobilized by the president and his supporters, which took place in different cities of the country, even in a situation of sanitary crisis in the country due to the pandemic Bolsonaro participated in more than 30 motociatas between 2021 and 2022, using public funds from the corporate card for its financing. Available at <<https://www1.folha.uol.com.br/poder/2023/01/cartao-corporativo-foi-usado-para-137-abastecimentos-em-motociatas-de-bolsonaro.shtml#:~:text=Bolsonaro%20participou%20em%202021%20e,todos%20os%20estados%20do%20pa%C3%ADs>> Accessed at 04/21/2023.

of the opposition was that a second term for Bolsonaro could deepen his authoritarian tendencies²⁸ and the corrosion of Brazilian democratic institutions since he had already shown signs in that direction.²⁹

Finally, another political event that took place during Bolsonaro's administration would completely change the course of the country's history in the 2022 elections: in april 2021, the Federal Supreme Court (STF) confirmed in plenary session the individual decision of Judge Edson Fachin to annul the convictions of former president Lula in operation Car Wash, which in turn restored his political rights and allowed him to run in the october 2022 elections.³⁰ In the decision, the STF considered that the Federal Court of Paraná was not competent to judge Lula's actions in the Guarujá triplex case, as well as considering that former judge Sérgio Moro,³¹ who, after leaving the judiciary, took up the position of Minister of Justice in Jair Bolsonaro's government, was biased when judging Lula.³² With his political powers restored, Lula would become Bolsonaro's primary political opponent in the 2022 elections.

28 Research on the death of contemporary democracies shows that leaders with authoritarian tendencies tend to radicalize democratic corrosion in their second term (LEVISTKY; ZIBLATT, 2018).

29 For example, Bolsonaro commented on the possibility of challenging Supreme Court judges or increasing the number of Supreme Court justices to achieve a majority. Proposals like this have also been made in countries with autocratic leaders, such as Venezuela.

30 Available at <<https://www.bbc.com/portuguese/brasil-56768338>> Accessed on 04/21/2023

31 Although it is outside the scope of this research to deepen the discussions about Sergio Moro's role in the 2018 election and during the Bolsonaro government, it should be noted that the former judge has been an essential figure in the recent political scene of the country since he was the judge responsible for Lula's conviction in the context of the Car Wash operation. As a result, Lula was arrested in early 2018 when he appeared as one of the favorite candidates for the election that year.

32 Available at <<https://www.conjur.com.br/2021-jun-23/moro-suspeito-julgar-lula-decide-stf-votos>> Accessed on 04/21/2023.

3. Regulation, rights, and electoral justice

Considering the events of the 2018 elections, which involved the use of social media and messaging apps to spread disinformation, as well as the anti-democratic behavior of former president Bolsonaro throughout his term in office, a hallmark of the 2022 elections was the vehement action of the Electoral Justice. If, in 2018, the potential impact of social media on elections took both the population and the judiciary by surprise, the technological context of the last four years has led not only to changes in the rules on political advertising on the internet but also to extensive preparations, especially by the Superior Electoral Court, to deal with issues such as disinformation and attacks on democratic institutions. In this section, we present and discuss the principal measures and regulatory changes from 2018 to 2022 aimed at combating disinformation, as well as an assessment of the performance of the electoral justice system during the 2022 elections.

a. **Central points of electoral legislation on online publicity until 2018**

To understand the significant regulatory changes from 2018 to 2022, we need to introduce, in a non-exhaustive way, some central aspects of justice and electoral law in Brazil and some considerations about political advertising on the internet. This way, we intend to present the main “game rules” (BRITO CRUZ, 2022) that guided the 2022 elections in terms of confronting disinformation.

In his book, “Novo jogo, velhas regras: democracia e direito na era da nova propaganda política e das fake news” (2020), Brito Cruz offers a critical analysis of these rules in light of the new characteristics of online advertising in the digital era. In his opinion, the rules of the Brazilian electoral game are constituted mainly by the electoral law, which involves both the electoral legislation and the judicial and administrative institutions responsible for its application. However, other normative fronts condition political campaigns, such as the Federal Constitution of 1988, the civil and criminal legislation, and, more recently, other legislations, such as the Civil Rights Framework for the Internet - particularly relevant for the context of digital advertising - and the General Data Protection Law.

In Brazil, electoral law as a legal subdivision has some peculiarities. Firstly, the Electoral Justice, in charge of the country's electoral administration, performs unusual functions for the judiciary. As Brito Cruz (2022) summarizes, it performs the following functions: 1) *administrative*: as it is responsible for preparing, organizing, and holding the elections; 2) *regulatory*: by defining the rules that regulate the electoral process based on the electoral laws approved by Congress; 3) *advisory*: it can be consulted by a list of legitimate parties to guide legal interpretations of specific demands; and, the most traditional, 4) *jurisdictional*: it is the competent body to judge electoral issues brought before the judiciary, controlling the fairness and normality and legitimacy of the election. According to the author, one of the central guiding principles of the legal structure of Brazilian electoral law is equality of opportunity, which is a primary justification for its actions in situations of electoral competition. Another peculiarity of Brazilian electoral justice is the existence of procedural instruments that, compared to other areas of justice in the country, allow for an agile pace, designed for the official campaign period³³ and to have robust consequences after the election.

Two of the main laws in Brazil that structure electoral regulations are the *Electoral Code* (Law No. 4.737, of July 15, 1965)³⁴ and the *Elections Law* (Law No. 9.504, of September 30, 1997)³⁵. The first one “contains rules to guarantee the organization and exercise of political rights, primarily those of voting and being voted for” and is related to the national sovereignty to ensure the exercise of political duties and rights. The second one establishes electoral rules to protect the principle of equal opportunities. In its regulatory function, the judiciary regulates electoral legislation to produce infra-legal normative diplomas that will generally apply to each election (BRITO CRUZ, 2022).

33 The electoral campaign period in Brazil in 2022 was from August 16th until October 1st and, in the event of a second round, until October 30th. Available at <<https://www.camara.leg.br/noticias/902016-campanha-eleitoral-comeca-em-16-de-agosto-e-propaganda-no-dia-26-veja-as-regras/>> Accessed on 04/28/2023

34 Lei nº 4.737, de 15 de julho de 1965. Disponível em <tse.jus.br/legislacao/codigo-eleitoral/codigo-eleitoral-1/codigo-eleitoral-lei-nb0-4.737-de-15-de-julho-de-1965> Accessed on 04/28/2023.

35 Law No. 9.504, of September 30rd, 1997. Available at <<https://www.tre-sc.jus.br/legislacao/lei-das-eleicoes-1>> Accessed on 04/28/2023.

With the internet and digital technologies expanding over the last two decades, political communication and, in turn, electoral campaigns have been radically transformed, bringing new challenges to electoral law. While a centralized type of electoral publicity predominates in the mass media, the socio-technical infrastructure of digital platforms has enabled a networked (BRITO CRUZ, 2022; INTERNETLAB, 2019) or participatory (REGATTIERI, 2021) propaganda ecosystem. In short, while in traditional media, there was much more control over the information transmitted by “a few speaking to many” (BENTES, 2021), in social media, we have a communication model in which “many speak to many” and whose message can gain more or less circulation through the mediation of algorithms. In addition, automated content recommendation processes based on engagement and similarity criteria (CESARINO, 2022) allow information to circulate segmentally, resulting in bubble filters (PARISIER, 2012), with potentially harmful effects on the democratic process.

Thus, the new structures of online advertising have challenged the very notion of electoral publicity. As Brito Cruz (2022) argues, there is no definition of electoral publicity in Brazilian legislation, which means there is no consolidated guide for dealing with the new challenges that the internet brings to electoral campaigns. Before the internet, this lack of definition might not have impacted so much, as the boundaries between what was or wasn't electoral publicity were much easier to identify in media such as television and radio³⁶ since they were limited to the *Free Electoral Publicity Hours* (HPEG) and the electoral campaign period. According to Art. 44 of the Elections Law: “Electoral publicity on radio and television shall be limited to the free publicity time defined in this Law, with any placement of paid advertising, therefore, being forbidden.”³⁷ With social media, the boundaries between what is and isn't electoral publicity become more blurred and complex, pushing the limits of other rights, such as freedom of expression, and jeopardizing the principle of equal opportunities.

36 On free electoral publicity on radio and television, see Law No. 9.504/97, arts. 44, 47, 49, 51, 52, 56, 57 and TSE Resolution No. 23.610/19, arts. 48 et seq (amended by TSE Resolution No. 23.671/21).

37 The Free Electoral Publicity Hour (HPEG) provides candidates in an election with free electoral publicity on traditional media such as television and radio.

Recognizing the growing impact of the new media in the last decade, a series of reforms have been introduced in the electoral law to cover electoral campaigns on the internet. As Brito Cruz (2022) summarizes, Law 12.034/2009 authorizes and regulates online electoral publicity but prohibits paid promotions. Law 12.891/2013 extended the Electoral Justice's content removal authority to "attacks and aggressions" and established the crime of hiring people for attacks on the web. However, the most significant change for subsequent elections occurred in 2017 with Law 13.488,³⁸ which established rules for paid propaganda on the internet through boosting, which is only allowed if contracted by official campaigns.

The 2018 elections were the first to allow campaign spending on content boosting as a legal practice, as long as it was "directly contracted with an internet application provider with headquarters and jurisdiction in the country" and exclusively by parties, coalitions, candidates, and their representatives. In addition, boosted content must be unequivocally identified as electoral publicity (Art. 57-C Law No. 9.504/97).

However, when the Election Law was updated in 2017, there was still no clear definition of boosting.³⁹ To fill this gap, the TSE adopted a resolution in 2017,⁴⁰ according to which content boosting consists of "a mechanism or service that, through a contract with internet application providers, enhances the scope and distribution of information to reach users who would not normally have access to its content."⁴¹ With these definitions, we can see why mass messaging can be considered illegal in terms of electoral propaganda. Although the mechanism offers the possibility of increasing the reach of the messages, this is not done by contracting with application providers but

38 Available at <http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/L13488.htm> Accessed on 05/07/2023.

39 See more at <<https://www.tse.jus.br/comunicacao/noticias/2022/Janeiro/eleicoes-2022-norma-sobre-propaganda-eleitoral-e-horario-gratuito-traz-novidades>> Accessed on 05/05/2023.

40 Available at <https://www.justicaeleitoral.jus.br/++theme++justica_eleitoral/pdfjs/web/viewer.html?file=https://www.justicaeleitoral.jus.br/arquivos/resolucao-23551-nova/@@download/file/r-23551-nova-versao-para-republicacao-em-razao-de-erro-material-no-art-53-ii-a-e-b.pdf> Accessed on 04/28/2023

41 Art. 32, item XIII of TSE Resolution 23.551/2017.cc

through third parties not authorized by the legislation, in addition to other irregularities related to the use of voter data.

Concerning disinformation, the 2017 resolution also brings an essential innovation in Article 22 § 1, which states that: “The free expression of thought of the identified or identifiable voter on the internet shall be subject to restrictions only when the honor of third parties is offended or when facts known to be untrue are published.” As Alexandre Pacheco, law professor and coordinator of the Center for Teaching and Research in Innovation (CEPI) of the Getúlio Vargas Foundation, points out, this is the definition of disinformation that the Electoral Court would use to decide on the removal of content on platforms in the next elections. It’s interesting to note that this is a vague definition that can easily be used by candidates or parties to justify excessive requests for content.

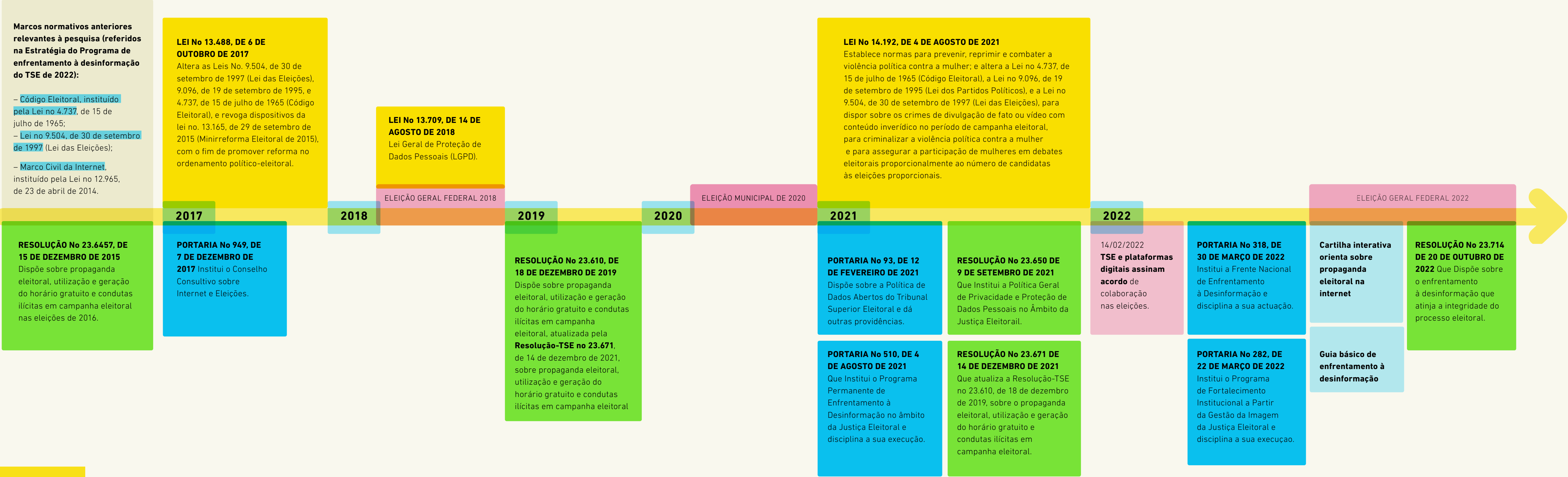
Besides electoral regulation, two other critical regulatory frameworks in the country affect online advertising on social media. The first is the *Civil Rights Framework for the Internet*,⁴² which establishes “principles, guarantees, rights, and obligations for the use of the internet in Brazil.” The law, from 2014, states that, in order to ensure freedom of expression and prevent censorship, the duty of internet application providers to remove content derives from judicial evaluation. According to the text: “the provider of internet applications can only be subject to civil liability for damages resulting from content generated by third parties if, after a specific court order, it does not take any steps to, within the framework of their service and within the time stated in the order, make unavailable the content that was identified as being unlawful, unless otherwise provided by law.” As you can see, the rule does not prevent the removal of content on the free initiative of providers or based on complaints from users, but it does exclude their liability if no action is taken after a court order for content removal. This norm is based on the idea that it would not be appropriate to leave it to the application providers to decide on the removal of content that has been questioned or denounced (AFFONSO SOUZA; TEFFÉ, 2021).

42 Available at <http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/l12965.htm> Accessed at 04/28/2023.

The second significant regulatory framework is the General Data Protection Law (LGPD).⁴³ Although data protection issues have been discussed in the digital rights sphere for years, the Cambridge Analytica scandal, which came to light in March 2018 and involved the misuse of Facebook users' personal data for political propaganda in Donald Trump's 2016 campaign in the US, turned out to be a decisive element in speeding up the approval of the Brazilian law. Enacted in August 2018, the law did not take effect until September 2020. Thus, the 2020 municipal elections were the first with the GDPL in force. This law has, therefore, become an important standard to guide the parameters of personal data processing in different contexts.

We present a timeline with these main regulations from 2018 to 2022 to facilitate the visualization of this regulatory framework.

43 Available at <https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/l13709.htm> Accessed on 04/28/2023.



b. Legislative discussions and regulatory changes on disinformation from 2018 to 2022

With this regulatory framework, Electoral Justice faced the 2018 elections. Although the context of elections in other countries had provided clues as to what could be the case in Brazil, and the Electoral Justice had been creating rules to counter disinformation since 2017, the scale of the informational chaos generated in the 2018 elections was a widespread surprise. While in 2018, electoral authorities were surprised by the impact of fake news on voter behavior, on the contrary, the 2022 elections saw a much better prepared electoral justice as a result of a gradual build-up over four years. During this period, there were regulatory updates, training for authorities, and strategic innovations to counter disinformation. Meanwhile, the actions of the Electoral Court – and the judiciary in general – have not been free of controversy, particularly concerning the guarantee of rights in the digital sphere. In order to understand these actions and possible excesses, it is necessary to consider them in the techno-political context described above. This section will examine the evolution of legal and legislative discussions on disinformation in the country, as well as the main innovations in the regulation of electoral justice that updated the “game rules” concerning the disinformation ecosystem from 2018 to 2022.

Since taking office in 2019, Jair Bolsonaro and his supporters have escalated their attacks on democratic institutions, particularly against the Federal Supreme Court (STF) and its ministers through digital communication networks. One of Bolsonaro’s principal targets was Alexandre de Moraes, a minister at the Supreme Court and president of the Superior Electoral Court since August 2022.⁴⁴ Moraes became a central figure in the fight against disinformation in the last election,⁴⁵ even though his actions have not been exempt from criticism and controversy.

44 Available at <<https://www.tse.jus.br/comunicacao/noticias/2022/Agosto/ministro-alexandre-de-moraes-e-empossado-presidente-do-tse-em-sessao-solene-nesta-terca-16-486473#:~:text=0%20Plen%C3%A1rio%20do%20Tribunal%20Superior,Moraes%20e%20Ricardo%20Lewandowski%2C%20respectivamente>>

Accessed on 08/25/2023.

45 Cf. Podcast Alexandre, created by Trovão Mídia in partnership with piauí magazine. Available at <<https://piaui.folha.uol.com.br/radio-piaui/alexandre/>>

Accessed on 08/18/2023.

In response to Bolsonaro's increased attacks on the judiciary, the press, authorities, and public opinion demanded action from the Attorney General of the Republic, Augusto Aras, head of the Federal Public Prosecutor's Office. Meanwhile, during the Bolsonaro government, Aras' administration was criticized for its lack of action in promoting investigations into the former president despite evidence of abuses. In March 2019, as hate speech escalated against the STF as an institution, but also against the personal figure of the ministers in Bolsonaro's government, the then president of the court, Minister Dias Toffoli, opened an inquiry to investigate the existence of fake news, threats and speeches that, according to him, affected the honor and safety of the members of the court and their families.⁴⁶ The investigation generated controversy because it was understood that the initiative would be the responsibility of the Prosecutor's Office, although the STF's rules⁴⁷ of procedure provide for ex officio inquiries. Another controversy concerned the assignment of the rapporteur, who was ultimately given to Alexandre de Moraes by appointment of Toffoli rather than by drawing lots among the magistrates, as is usually the case.⁴⁸

The inquiry, which became known as the fake news inquiry, aimed to investigate the operators of Bolsonaro's machine of lies and digital attacks, has accumulated different fronts of investigation, leading to several search and seizure warrants for Bolsonaro supporters. In August 2021, the former president himself was included as an investigated party in the inquiry at the request of the TSE because of his attacks on electronic ballot boxes. At the time this report is being concluded, this investigation is expected to be judged in 2023.

In September 2019, Congress also established a Joint Parliamentary Commission of Inquiry (CPMI) to investigate the creation of fake profiles and

46 Available at <<https://www1.folha.uol.com.br/poder/2019/03/toffoli-abre-inquerito-para-apurar-fake-news-e-ameacas-contra-ministros-do-stf.shtml>> Accessed on 04/30/2023.

47 Available at <<https://www.jusbrasil.com.br/artigos/inquerito-de-oficio-pelo-stf-e-legal/688187345>> Accessed on 08/25/2023.

48 In view of the controversies surrounding the setting up of this investigation, some have argued that it was actually illegal. Available at <<https://www.gazetadopovo.com.br/instituto-politeia/inquerito-toffoli-ilegal/>> Accessed on 08/25/2023

attacks on social media to determine their possible influence on the previous year's electoral process and public debate.⁴⁹ The CPMI on fake news revealed different layers of the influence industry (TACTICAL TECH, 2019), which relies on disinformation, and exposed how the Bolsonaro government was using public funds to sponsor defamatory campaigns with false content from inside the Planalto Palace through the consolidation of what became known as the "Hate Cabinet."⁵⁰ The Hate Cabinet was the self-proclaimed name of a group of articulatores coordinated by Carlos Bolsonaro, the president's son and a city councilor in Rio de Janeiro. The group included politicians and presidential advisors who were the articulating center of attacks through social media against opposing figures and those considered "enemies" of Bolsonarism.

Despite essential revelations about the structure of the Bolsonarist hate machine (MELLO, 2020) and its relevance in placing disinformation as a political strategy in the public debate, the CPMI on fake news was suspended in March 2020 due to the pandemic and eventually not reinstated before the change of legislature. According to Senator Ângelo Coronel (PSD-BA), president of the CPMI, in a report to CNN, the commission "went cold" after the TSE decided in 2021 to dismiss the lawsuits accusing President Jair Bolsonaro's party of illegally boosting mass messages via WhatsApp during the 2018 election campaign.⁵¹

Following the 2018 electoral defeat, opponents of then-candidate Jair Bolsonaro filed a request with the Electoral Court to annul his campaign on the grounds of abuse of power and misuse of media resources based

49 See more at <<https://www12.senado.leg.br/noticias/materias/2019/09/04/cpmi-das-fake-news-e-instalada-no-congresso>> Accessed on 04/20/2023.

50 See more at LAGO, Rodolfo. STF document explains how the "hate cabinet" works <<https://congressoemfoco.uol.com.br/area/governo/documento-do-stf-explica-como-funciona-o-gabinete-do-odio/>> Accessed on 04/30/2023.

51 Without concluding investigations, CPI on Fake News should close its work, CNN Brasil, 05/09/2022. Available at <<https://www.cnnbrasil.com.br/noticias/sem-concluir-investigacoes-cpi-das-fake-news-deve-encerrar-os-trabalhos/>> Accessed on 04/30/2023.

on the revelations about the use of mass messaging.⁵² In their verdict, the TSE ministers considered insufficient evidence to prove that the party was involved in the mass messaging and false information scheme via WhatsApp against its opponents.⁵³ At the time, however, most ministers emphasized in their deliberations that mass messaging with disinformation can constitute an abuse of economic power and misuse of the media.⁵⁴ The case became the basis for a series of updates to the TSE's regulations and actions for the presidential elections 2022, such as the explicit ban on mass messaging, as we'll see below.

In the legislative sphere, the CPMI's investigations and the fake news inquiry served as input for discussions on Bill 2630/2020, which became popularly known as the Fake News Bill but turned out to be the country's main proposal to regulate platforms. The bill, initiated in the Senate by Senator Alessandro Vieira (Cidadania-SE), was rushed through in just one month in July 2020, despite strong criticism from civil society and other relevant actors. Since then, it has undergone numerous changes⁵⁵ during its processing in the Chamber of Deputies, where a working group (GT-NET) has been created to analyze the bill, now under the direction of rapporteur Orlando Silva (PCdoB-SP).

To facilitate debate with civil society and other sectors, the GT-NET established a work plan that included deliberative meetings and public hearings to discuss the central points of the draft law. Nearly three years into the debate, the GT-NET alone has held 27 technical sessions, including 15 public hearings that have heard from more than 150 experts from various

52 Available at <<https://g1.globo.com/politica/noticia/2021/10/28/tse-julgamento-cassacao-chapa-bolsonaro-mourao.ghtml>> Accessed on 08/18/2023.

53 Available at <<https://tecnoblog.net/noticias/2021/10/28/disparos-em-massa-via-whatsapp-vao-dar-cadeia-avisa-alexandre-de-moraes/>> Accessed on 07/21/2023.

54 Available at <<https://oglobo.globo.com/politica/por-unanimidade-tse-rejeita-pedido-de-cassacao-da-chapa-bolsonaro-mourao-por-disparos-em-massa-25255053>> Accessed on 08/18/2023.

55 See more at: NÓBREGA, Liz. "Lei das fake news": learn all about the PL 2630. *desinformante, 10/15/2021. Available at <<https://desinformante.com.br/saiba-tudo-sobre-a-lei-das-fake-news/>> Accessed on 04/30/2023.

sectors and fields.⁵⁶ At the time this report is being completed, the bill has undergone recent changes. It is being urgently processed in the Chamber of Deputies, but faced with intense lobbying from the big techs, it has not yet been voted on. The text is still being processed and could soon be amended and put back on the agenda for a vote. It is beyond the scope of this study to delve into the PL2630/2020 discussion, which transcends the electoral context and has denser and broader layers than we have been able to discuss here. However, it is important to highlight it because the events surrounding disinformation in the 2018 and 2022 elections were central to the maturation of the platform regulation debate in the country. Although the proposal was initially designed to regulate fake news, the bill currently being voted on already includes a much broader proposal for platform regulation, establishing rules on freedom, responsibility, and transparency on the internet.

Between 2018 and 2022, the Electoral Court also took a series of measures being fed back into these political, legislative, and judicial debates. In general, the National Congress usually reforms electoral legislation in odd-numbered years, i.e., years when there are no federal or municipal elections, so every two years, we try to adjust and modernize the electoral rules. Moreover, in its normative role, the Electoral Court constantly updates regulations and legal interpretations through other regulatory instruments such as resolutions and ordinances.

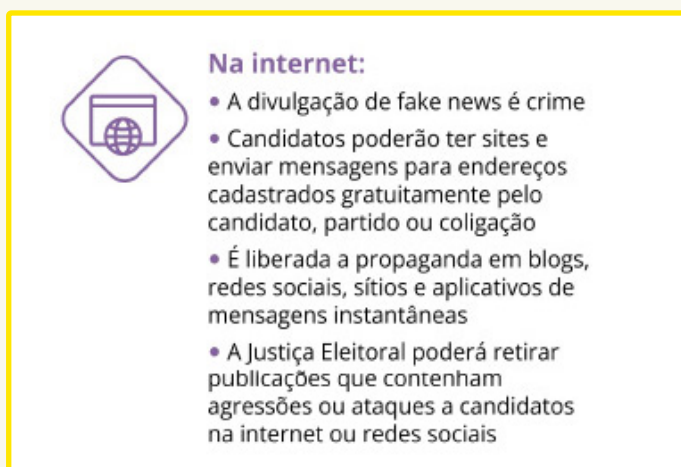
Out of a total of 116 resolutions published by the TSE between 2018 and 2022,⁵⁷ three stand out as relevant to the questions of this research. The first two are aimed at updating the rules on electoral propaganda, and the third is specifically aimed at countering disinformation, the latter of which we will address in the next topic. The first two are complementary: the first is Resolution No. 23.610, of December 18, 2019,⁵⁸ which was later updated by

56 COALIZÃO DE DIREITOS NA REDE, Open Letter: Democratic regulation of platforms urgently!, 04/20/2023. Available at <<https://direitosnarede.org.br/2023/04/20/carta-aberta-regulacao-democratica-das-plataformas-com-urgencia/>> Accessed on 04/30/2023.

57 See more at Legislation compiled on the TSE website. Available at <<https://www.tse.jus.br/legislacao/compilada>> Accessed on 05/01/2023.

58 Available at <<https://www.tse.jus.br/legislacao/compilada/res/2019/resolucao-no-23-610-de-18-de-dezembro-de-2019>> Accessed on 05/02/2023.

Resolution No. 23.671, of December 14, 2021.⁵⁹ Together, these resolutions intend to reinforce rules for electoral publicity, defining limits for campaigns on digital platforms.



Summary of the Rules for Electoral Publicity on the Internet in 2022

Source <<https://www.camara.leg.br/noticias/902016-campanha-eleitoral-comeca-em-16-de-agosto-e-propaganda-no-dia-26-veja-as-regras/>> Accessed on 04/28/2023

One of the main novelties of these provisions regarding disinformation and campaigning on the internet is the prohibition of so-called “mass messaging.” Pedro Saliba, head of the “Elections, disinformation and violation of data” project at the Data Privacy Brazil Research Association,⁶⁰ points out that reports on the practices of mass messaging on WhatsApp in 2018 have heavily influenced some items in these resolutions. Saliba emphasizes the adoption of data protection principles in electoral regulations, which not only reinforce the rules of the LGPD but also suggest that electoral authorities recognize that certain types of processing of personal data could jeopardize the principle of equality since differentiated technical processing capacities could create unequal campaign intelligence between parties and candidates, as well as facilitate disinformation.

The 2019 and 2021 resolutions delimit and refine the possible uses of personal data in electoral campaigns. Civil society organizations

59 Available at <<https://www.tse.jus.br/legislacao/compilada/res/2021/resolucao-no-23-650-de-9-de-setembro-de-2021>> Accessed on 05/02/2023.

60 See more at <<https://www.dataprivacybr.org/projeto/eleicoes-desinformacao-e-ilicito-de-dados/>> Accessed on 05/02/2023.

and academia were already demanding these adjustments, stressing that “personal data have become a valuable asset for customizing and personalizing political communication between candidates and voters based on the latter’s preferences, habits and opinions” and that it is, therefore, essential to guarantee “a data protection regime that is attentive to the specificities of the electoral process.”⁶¹ This update from the TSE prohibits, for example, the use, donation, or transfer of personal data of companies’ clients and other entities.⁶² As databases in an electoral context may reveal political opinions, the LGPD characterizes them as sensitive data, which means that their processing rules are stricter and require more care on the part of the controller. For this reason, Resolution 2021 explicitly states that the processing of personal data for political advertising must respect the purpose for which the data was collected, observing the other principles and rules laid down in the LGPD.⁶³ Moreover, those who process personal data must provide data subjects with information on the processing [...] as well as a communication channel that allows the data subject to obtain confirmation of the existence of processing of their data and to formulate requests for deletion of data or unsubscription.⁶⁴

Indeed, the 2018 elections showed the importance of personal data as a campaign asset in the context of online political propaganda (BENNETT, 2019) in a datafied world (VAN DIJCK, 2017). Although electoral regulations

61 Report produced by Grupo de Estudos (Study Group) with members of academia and society, with the support of entities such as Internet Lab, Data Privacy Brasil Research, Centro de Direito, Internet e Sociedade (CEDIS) and Instituto Liberdade Digital, with recommendations on the main gaps and challenges in the application of the LGPD in the electoral context. See more at: Santos et al. Proteção de dados pessoais e eleições: relatório de recomendações para o quadro brasileiro atual. Grupo de Estudos em Proteção de Dados e Eleições, with recommendations on the main gaps and challenges in the application of the LGPD in the electoral context. Available at <https://www.internetlab.org.br/wp-content/uploads/2021/07/relatorio_recomendacoes_ok_23072021-1.pdf> Acesso em 05/05/2023

62 Art. 31 of Resolution nº 23.671/2021, also related to Law nº 9.504/1997, arts. 24 & 57-E, caput ; ADI nº 4.650, DJe 24.2.2016; Law nº 13.709/2018, arts. 1º & 5º, I.

63 Art. 10 § 4º, Resolution nº 23.671/2021.

64 Art. 10 § 5º, Resolution nº 23.671/2021.

prohibit the sale of databases as the Cabo Eleitoral podcast showed,⁶⁵ in 2022, a quick Google search and a stroll down Santa Efigênia, a street selling electronics in the city of São Paulo, shows that the practice remained widespread in the last election.

Another essential rule the TSE inserted in the 2019 and 2021 resolutions on electoral publicity to combat disinformation was the section on disinformation. Article 9, included in 2019, and Article 9a, included in 2021,⁶⁶ make the candidate, party, federation, or coalition responsible for verifying any type of content in electoral advertising. This attempts to make the actors responsible for legal campaigning on the internet more cautious about the content circulated through official channels. However, it seems complicated to operationalize in practice, considering that electoral advertising on the internet can be carried out by candidates, parties, associations, and coalitions, as well as by any natural person (in which case the construction of boosting and mass messaging is prohibited).⁶⁷ The volume of content to be analyzed makes it difficult for the actors responsible for verification and the Electoral Court to assess compliance.

If the dissemination of facts known to be untrue has already been prohibited since 2017, Article 9-A of the 2021 resolution adds the prohibition of the dissemination of “facts that are notoriously untrue or seriously out of context that affect the integrity of the electoral process, including the voting, counting and tallying processes.” It is worth noting that the article reflects a TSE concern about the instrumentalization of disinformation against the electoral process, considering the increasingly frequent number of attacks on electronic voting machines, protocols, and electoral authorities in recent years, encouraged by the far right.

Caio Machado, executive director of the Vero Institute, comments on the 2022 electoral regulations that although the 2017 and 2019 regulations already included the concept of fake news, the legal apparatus was still insufficient

65 Initiative of Folha de S.Paulo in partnership with InternetLab, Available at <<https://www1.folha.uol.com.br/podcasts/cabo-eleitoral/>> Accessed on 03/05/2023.

66 With Resolution No. 23.714/2022, enacted in the middle of the electoral period in 2022, Art. 9-A is repealed, but is included in the new resolution.

67 Art. 28, item IV, points a and b of Resolution no. 23.671/2021.

to solve the problem of disinformation. On the other hand, Paulo Rená, co-director of Aqualtune Lab, states that, in his view, since 2017, there have been sufficient regulations in both electoral and criminal and civil aspects to hold people who generate disinformation accountable, although there could be improvements in certain aspects, for example, the standardization of parameters for decisions by the Regional Electoral Courts (TREs). According to Rená, if the punishable public acts of former president Bolsonaro - such as offending a congresswoman or evoking the figure of torturers⁶⁸ - have not resulted in legal consequences, it is inconsistent to comply with the law in much less visible scenarios. Acknowledging that this is not a consensual perspective, he reinforces that what is lacking is not new laws but a position of enforcement of the existing norms.

Since the 2013 electoral reform (Law 12.891/2013), the Electoral Court's authority to remove content on the internet has been extended to "attacks and aggressions" (BRITO CRUZ, 2020); from 2019 onwards, the Electoral Court has defined some parameters for the removal of content, such as the principle of "the least possible interference in the democratic debate," and limited to cases in which "by means of a reasoned decision, violations of electoral rules or offenses against the rights of people taking part in the electoral process are found." However, the context of information chaos that occurred during the 2022 election campaign, combined with other elements such as the lack of action on the part of key actors such as the Electoral Public Ministry (MPE), served to justify a more active and even harsher stance by the Electoral Justice in terms of content removal. In **Table 1**, we summarize the main innovations of these two TSE resolutions on confronting disinformation and regarding rules for political advertising on the internet, in force during the 2022 electoral period.

⁶⁸ Here he refers to the cases of Bolsonaro insulting Congresswoman Maria do Rosário, saying that she didn't deserve to be raped by him, and also to the episode of the vote on the impeachment of President Dilma Rousseff in the Chamber of Deputies in which he states that his vote is in honor of former Colonel Brilhante Ustra, a military officer accused of torture during the military dictatorship in Brazil.

LAW/YEAR	TOPIC	MAIN REGULATORY NOVELTIES ON DISINFORMATION AND POLITICAL PROPAGANDA ON THE INTERNET
RESOLUTION N° 23.610, OF DECEMBER 18, 2019	Provides for electoral propaganda, use and generation of free time, and illicit conduct in electoral campaigns.	<p>Introduces a section on disinformation (Art. 9) to make candidates, parties, and coalitions responsible for verifying content in electoral advertising, including that from third parties.</p> <p>Distinguishing between mass messaging and boosting, it prohibits advertising “through the mass sending of instant messages without the recipient’s consent or by using tools, technologies or services not provided by the application provider and in breach of its terms of use. ” (Art.34 item II)</p> <p>Prohibits the use, donation, or transfer of clients’ electronic records by public and private entities to benefit candidates, parties, or coalitions. (Art. 31)</p> <p>Defines that all promotion must contain, in a clear and legible manner, the registration number in the National Register of Legal Entities (CNPJ) or the registration number in the Register of Individuals (CPF) of the person responsible, as well as the words “Electoral Propaganda” (Art 29 § 5°)</p> <p>The removal of content posted on the internet should be limited to cases in which, by means of a reasoned decision, violations of electoral rules or offenses against the rights of people taking part in the electoral process are found, aimed at protecting freedom of expression and preventing censorship, with the least possible interference in the democratic debate.</p>
RESOLUTION N° 23.671, OF DECEMBER 14, 2021	Amends TSE Res. No. 23.610, of December 18, 2019, which provides for electoral propaganda, use and generation of free time, and illicit conduct in electoral campaigns.	<p>Reinforces the prohibition on disseminating facts that are known to be untrue and adds a ban on facts that are known to be out of context.</p> <p>It defines that the processing of personal data in the electoral process must respect the purpose and observe other principles and norms of the LGPD, as well as reinforce the rights of data subjects for political propaganda.</p> <p>It makes candidates, parties, federations, and coalitions responsible for disclosing the information in Article 29 § 5 and makes platforms accountable for ensuring technical conditions and transparency mechanisms for inserting this information. (Art 29 § 6°)</p>

Table 1: Summary of the principal new regulations on disinformation and political propaganda on the internet from 2018 to 2022. Source: Prepared by the author based on TSE Resolutions No. 23,610 of December 18, 2019, and Resolution No. 23,671 of December 14, 2021.

c. The fight against disinformation during the 2022 elections

With those regulatory bases, the Electoral Justice reached the 2022 elections. The electoral period officially started on August 16 and extended until October 30, including the first and second rounds. In addition to the regulatory framework for electoral propaganda on the internet, another measure adopted in previous years by the TSE was decisive in the fight against disinformation: the creation of the *Program on Countering Disinformation*.⁶⁹

The Program was created in August 2019⁷⁰ and established alliances with different entities, including digital platforms, public and private institutions, civil society and academic organizations, fact-checking agencies, and news media. Starting with 48 partnerships, the Program expanded over time, counting with the collaboration of 154 organizations⁷¹ in 2022. Its objective is to prevent and combat the dissemination of disinformation about the electoral process on the internet. Under these alliances, the participants share information and data about disinformation with the Court, produce and disseminate truthful and reliable information on the electoral process, and collaborate in training electoral justice officials and the public to identify and report misleading content.

In August 2021, the Program became a permanent action from the TSE: the Electoral Justice Permanent Program on Countering Disinformation (PPED)⁷². The PPED aims to foster social confidence in the adequacy of the Brazilian

69 Available at <<https://www.justicaeleitoral.jus.br/desinformacao/>> Accessed on 05/05/2023.

70 Available at <<https://www.tse.jus.br/comunicacao/noticias/2022/Julho/programa-de-enfrentamento-a-desinformacao-do-tse-tem-mais-de-150-parcerias-659181#:~:text=Criado%20em%20agosto%20de%202019,processo%20eleitoral%2C%20principalmente%20na%20internet.>> Accessed on 05/05/2023.

71 Check out the full list of TSE partners at <https://www.tse.jus.br/++theme++justica_eleitoral/pdfjs/web/viewer.html?file=https://www.tse.jus.br/comunicacao/arquivos/parceiros-no-programa-de-enfrentamento-a-desinformacao-da-je/@@download/file/PARCEIROS%20DO%20PROGRAMA%20PERMANENTE%20DE%20ENFRENTAMENTO%20%C3%80%20DESINFORMA%C3%87%C3%830.pdf> Accessed on 05/05/2023.

72 Available at <<https://www.tse.jus.br/legislacao/compilada/prt/2021/portaria-no-510-de-04-de-agosto-de-2021>> Accessed on 05/05/2023.

electoral process, as well as a perception of impartiality, professionalism, and the fundamental nature of the Electoral Justice⁷³ system. It defined a strategic plan⁷⁴ structured around three axes:

1_ *Inform*: dissemination of quality information, including a broad communication strategy through reliable channels, to increase the population's knowledge about the electoral process and disinformation;

2_ *Enable*: media literacy and capacity building with training programs focused on the use of digital platforms and tools, the effects and mechanisms of disinformation and the electoral process and directed to both internal and external publics of the Electoral Justice;

3_ *Respond*: identification and combat of disinformation, including monitoring social media to identify inauthentic behavior, mass messaging, and automated computer propaganda for disinformation.

The Program complements other actions undertaken by the TSE in previous years, such as the creation of an Advisory Council on Internet and Elections in December 2017.⁷⁵ In addition, since 2018, the Court created a strategic office, working with Ministers, representatives from the Public Prosecutor's Office, the Executive Power, and the Federal Council of the Brazilian Bar Association, as well as with the Federal Police and technical bodies of the Executive Branch.

The most significant results of the Program's performance in the 2020 Municipal Elections⁷⁶ were: 1. the creation of a Fact-checking Coalition;

73 Available at <<https://www.justicaeleitoral.jus.br/desinformacao/>> Accessed on 05/05/2023.

74 Strategic Plan Elections 2022 of the Permanent Program on Countering Disinformation within the Electoral Justice System. Available at <<https://www.justicaeleitoral.jus.br/desinformacao/arquivos/programa-permanente-de-enfrentamento-a-desinformacao-novo.pdf>> Accessed on 05/05/2023.

75 Available at <<https://www.tse.jus.br/legislacao/compilada/prt/2017/portaria-no-949-de-7-de-dezembro-de-2017>> Accessed on 05/05/2023.

76 Report on Actions and Results of the Program on Countering Disinformation with a Focus on the 2020 Elections. Available at <<https://bibliotecadigital.tse.jus.br/xmlui/handle/bdtse/9653>> Accessed on 05/05/2023.

2. the creation of the “Fact or Rumor”⁷⁷ webpage to centralize the verification of false information published during the elections; 3. the creation of a network to monitor disinformation practices harmful to the electoral process; 4. the creation of a network of influencers publishing quality content about the electoral process on social networks; among other measures that were retained for the 2022 elections.

Another contribution from the PPED strategic plan is synthesizing relevant information on the fight against disinformation, including theoretical references, normative frameworks, and a conceptual definition. Considering that there is no consensus in the scientific literature on the definition of disinformation, the Electoral Justice uses the term as an umbrella concept, which synthesizes different contents related to the contexts of informational disorder and manipulation:

For this reason, it will be considered “potential disinformation” for the Program, any information or content - regardless of the format, means of presentation, or channel of delivery, whether in text, audio, video, news, or publication on a social network - identified as false, mistaken, misleading, inaccurate, manipulated, produced, fraudulent, unlawful or hateful. Thus, the characterization of content as uninformative is independent of the agent’s intentionality (encompassing both the notion of disinformation and misinformation). It is also covered by the concept of disinformation, information out of context, manipulated, edited maliciously, falsifying the source or presented in a sensationalist way, or even instrumentalized for illegitimate purposes (comprising the notion of malinformation, illustrated by the case of malicious dissemination of cyber incidents against online systems of electoral bodies) (TSE, 2022, p.23-24)

To facilitate fake news reports, the TSE also created an Alert System,⁷⁸ which consists of a direct channel with the TSE or the Electoral Public Ministry.

77 Available at <<https://www.justicaeeleitoral.jus.br/fato-ou-boato/>> Accessed on 05/05/2023.

78 Available at <<https://www.tse.jus.br/eleicoes/eleicoes-2022/sistema-de-alerta>> Accessed on 05/05/2023.

Additionally, the Electoral Justice launched an app called “Pardal”,⁷⁹ disponível em versão web, IOS e Android, que permite à população fazer denúncias sobre irregularidades em geral como compra de votos, uso da máquina pública, crimes eleitorais e propaganda eleitoral e anexar evidências como documentos, vídeos e fotos.

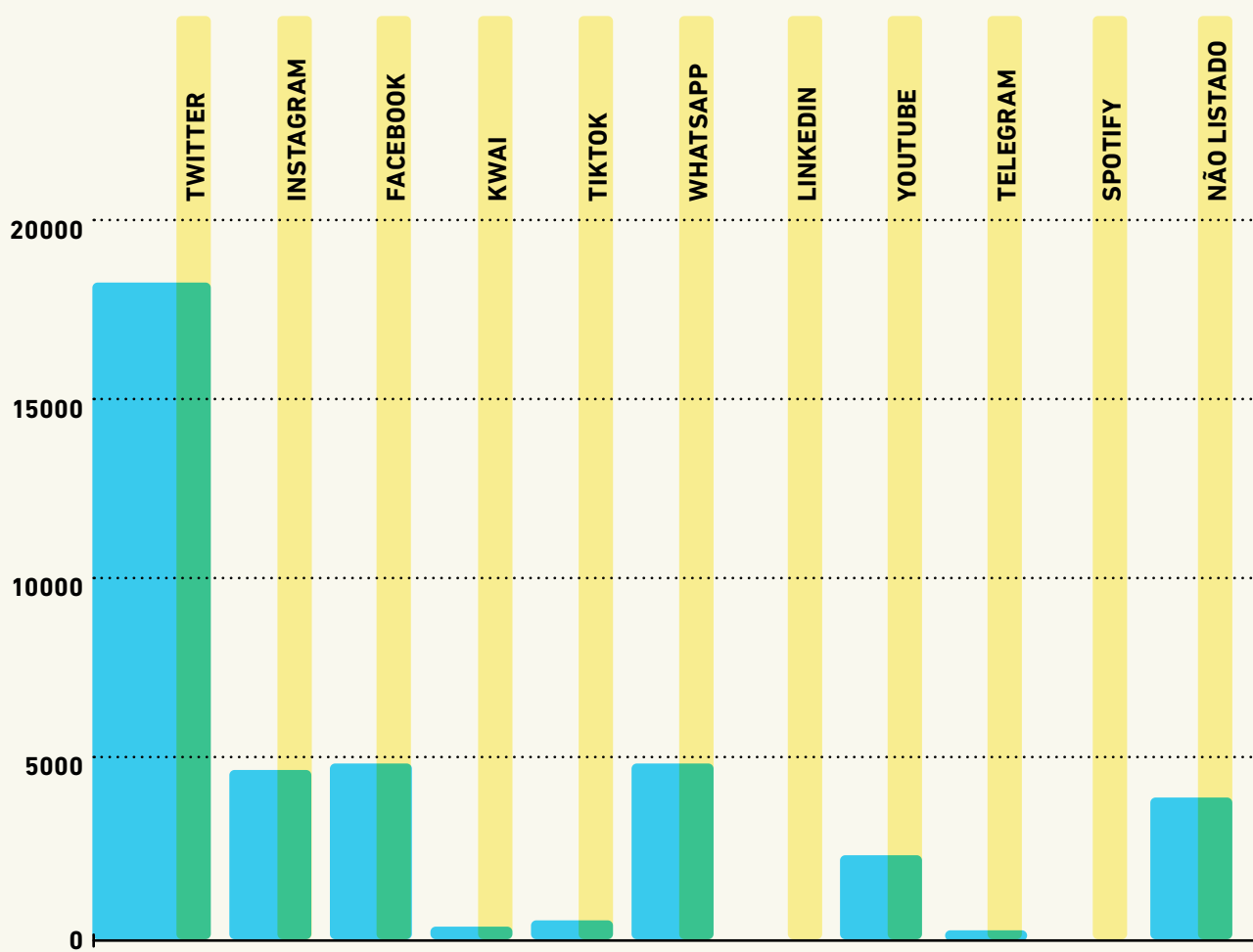
On December 16, 2022, we made an access-to-information request to the TSE regarding the reports received during the 2022 elections. **Table 2** systematizes the responses received on January 24, 2023.

ACCESS TO INFORMATION REQUEST PRESENTED TO THE TSE	PROTOCOL NUMBER: 59802416182025
QUESTION	ANSWER
How many fake news/disinformation reports did the TSE receive at the national level during the 2022 election period? How many of them were received during the second round?	In response to your inquiries, we inform you that this Special Advisory Office received 39,215 disinformation reports between 08/16/2022 (the start date of the electoral campaign) and 12/31/2022. 18,939 of them were received after the first round (03/10/2022). We inform you that irregular electoral propaganda, in a broader sense, is outside the scope of the Alert System on Disinformation Against Elections, which is why we do not have figures to offer in this regard.
Which platforms had the greatest number of reports of false content during the 2022 election period?	Regarding the distribution of reports among platforms, we have the following figures: Twitter: 17638 Instagram: 4535 Facebook: 4765 Kwai: 398 TikTok: 600 WhatsApp: 4931 LinkedIn: 36 Youtube: 2347 Telegram: 82 Not Registered: 3878 Spotify: 5.
How many content removal requests has the TSE made to the platforms?	We clarify that the TSE does not send requests for content removal under the Permanent Program on Countering Disinformation; it only sends notifications of possible violations of the terms of use for digital platforms to evaluate and act according to their protocols.

Table 2: TSE responses about content removal between 08/16/2022 and 12/31/2022.

Source: Prepared by the author based on TSE responses to the access to information request.

79 Available at <<https://pardal.tse.jus.br/pardal-web/index.xhtml>> Accessed on 05/05/2023.



Graph 1: Number of disinformation reports by platform.
Source: Prepared by the author with data provided by the TSE.

Graph 1 shows the number of complaints by platform, according to data from the TSE. Twitter was, by far, the platform receiving the greatest number of reports for false content. It is important to note that the number of reports does not necessarily reflect the number of publications identified as disinformation, as these are based on users' perceptions. One hypothesis to explain the higher number of reports on Twitter is that the platform concentrates an important part of the country's public debate on politics, which may make users more attentive to disinformation and more likely to report suspicious content. In any case, this does not mean that Twitter had a higher circulation of disinformation than other platforms; it only indicates that its users have reported more to the official channels of the Electoral Justice.

Despite these efforts, the 2022 electoral campaigns were heavily marked by the dissemination of disinformation⁸⁰ and other electoral illicit acts such as mass messaging,⁸¹ the misuse of personal data,⁸² and vote buying,⁸³ among others. According to research by the NetLab/UFRJ, Brazil registered an average of 311,500 false messages per day⁸⁴ during the second round of elections. Considering such a number, the volume of reports the TSE received seems extremely low, suggesting that some users do not recognize certain content as false or that they do not know how to use official reporting channels. Statistics about disinformation reports from companies would be relevant to compare, but most of their transparency reports only indicate the general number of removals based on their policies, as we will see in the next chapter.

According to TSE statements in the media, until October 20, shortly before the end of the second round, there was a 1,671% increase in disinformation

80 See more at <<https://www1.folha.uol.com.br/educacao/2022/11/desinformacao-torna-se-pratica-escancarada-nas-eleicoes-de-2022.shtml>> Accessed on 11/03/2022 <https://www1.folha.uol.com.br/opinioao/2022/11/as-fake-news-foram-determinantes-nestas-eleicoes-sim.shtml?utm_source=whatsapp&utm_medium=social&utm_campaign=compwa> Accessed on 07/11/2022.

81 Available at <<https://g1.globo.com/pr/parana/eleicoes/2022/noticia/2022/05/17/disparo-em-massa-no-whatsapp-eleitores-recebem-mensagens-a-favor-de-pre-candidato-ao-governo-do-parana-contas-sao-banidas.ghtml>> Accessed on 11/07/2022.

82 A serious case involved the leaking of personal data of Auxílio Brasil beneficiaries used to sell payroll loans, one of Jair Bolsonaro's electioneering measures using the public machine to win elections. See more at <<https://brazilian.report/society/2022/10/24/exclusivo-vazamento-auxilio-brasil-consignado/>> Accessed on 11/07/2022.

83 Journalist Caco Barcellos catches a glimpse of suspected vote-buying in favor of candidate Jair Bolsonaro in Coronel Sapucaia, MS. See more at <<https://www1.folha.uol.com.br/ilustrada/2022/11/caco-barcellos-flagra-suspeita-de-compra-de-votos-para-bolsonaro-veja-video.shtml>> Accessed on 11/08/2022.

84 Available at <<https://www1.folha.uol.com.br/educacao/2022/11/desinformacao-torna-se-pratica-escancarada-nas-eleicoes-de-2022.shtml>> Accessed on 11/03/2022.

reports sent to digital platforms compared to the 2020 elections.⁸⁵ Such an increase would have justified a greater rigor by the Electoral Justice in the final stage of the polls with the publication of Resolution 23,714.⁸⁶ However, disinformation continued to circulate on social media after the end of the second round and in demonstrations from Bolsonaro supporters questioning the outcome of the elections after the release of the results.⁸⁷

According to a study conducted by NetLab/UFRJ,⁸⁸ there was a significant increase in the circulation of disinformation during the second round of the elections, as shown in the image below. The increase was registered on three platforms: WhatsApp, Twitter and Telegram. The same study also identified the main topics of disinformation in the electoral context, which were: 1) electoral integrity, 2) Christian values, 3) press discrediting, 4) socio-environmental issues, and 5) gender and family. The increase in false content circulation in the second round was also highlighted in interviews with Victor Piaia (researcher at Dapp Lab, FGV ECMI), who was monitoring social media during the elections, and Natália Leal (CEO of Agência Lupa), who was in charge of fact-checking at Agência Lupa.

85 Available at <<https://www.tse.jus.br/comunicacao/noticias/2022/Outubro/tse-aprova-resolucao-para-dar-mais-efetividade-ao-combate-a-desinformacao-no-processo-eleitoral>> Accessed on 11/10/2022

86 Available at <<https://www.tse.jus.br/legislacao/compilada/res/2022/resolucao-no-23-714-de-20-de-outubro-de-2022>> Accessed on 11/03/2022.

87 For example, there were records of Bolsonaro groups believing lies sent on social media during these demonstrations, such as the supposed arrest of Minister Alexandre de Moraes and the supposed success of a federal intervention. Available at <<https://www.estadao.com.br/politica/bolsonaristas-comemoram-noticia-falsa-sobre-prisao-de-alexandre-de-moraes-veja-o-video/>> Accessed on 07/25/2023.

88 See more at <<https://g1.globo.com/politica/eleicoes/2022/noticia/2022/10/25/estudo-mostra-que-uso-de-fake-news-cresce-no-2o-turno-desinformacao-esta-mais-complexa-e-sofisticada-diz-pesquisadora.ghtml>> Accessed on 05/05/2023

PUBLICAÇÕES DURANTE A CAMPANHA ELEITORAL



Multiplataforma . 15 de agosto a 15 de outubro de 2022

Coletamos e analisamos mensagens nas diferentes plataformas com temas relacionados aos cinco temas identificados: integridade eleitoral, Valores Cristãos, Descredibilização da imprensa, Questões socioambientais e Gênero e família.

No WhatsApp, Telegram e Twitter o volume médio de publicações por dia apresentou um aumento após a votação do primeiro turno. No Twitter, o crescimento foi de 57%.

Por outro lado, algumas apresentaram queda, como Youtube, Facebook e Instagram, indicando que menos publicações por dia sobre as temáticas analisadas foram disseminadas nessas plataformas durante o segundo turno.

PLATAFORMAS	VOLUME TOTAL DE PUBLICAÇÕES			MÉDIA DE PUBLICAÇÕES POR DIA		
	1º TURNO	2º TURNO	TOTAL	1º TURNO	2º TURNO	VARIACÃO
Whatsapp	40.129	17.790	66.069	1.002	1.363	+36%
Telegram	73.466	24.001	97.467	1.490	1.846	+23%
Youtube	12.083	2.641	14.724	246	203	-17%
Twitter	9.365.323	3.099.626	13.254.949	190.924	299.871	+57%
Facebook	307.678	73.878	381.546	6.279	5.682	-9%
Instagram	128.149	32.061	160.230	2.615	2.467	-5%

NetLab/UFRJ study on the increase in the circulation of disinformation.

Source: <https://www.netlab.eco.br/post/acompanhamento-multiplataforma-da-desinforma%C3%A7%C3%A3o-durante-as-elei%C3%A7%C3%B5es-2022>

Although the TSE did not specify the number of reports received in the second round alone in its response to our access to information request, according to the national press,⁸⁹ the Court would have received more than 500 daily alerts of fake news related to the elections during this period.

Within this context, it issued, on October 20, Resolution 23714, which provides for the fight against disinformation affecting the integrity of the electoral process. One of the primary determinations from the Resolution was the authorization to remove identical content already categorized as disinformation by the Court, without the need to present a specific URL or to wait for the Public Prosecutor's Office or the injured party to file another lawsuit to request the removal of the publication with the same content by

89 Available at <<https://g1.globo.com/politica/eleicoes/2022/noticia/2022/10/20/tse-recebe-mais-de-500-alertas-diarios-de-fake-news-no-segundo-turno-das-eleicoes.ghtml>> Accessed on 09/03/2023.

another person.^{90 91} The measure intended to restrict the time of circulating information already judged to be false.

The Resolution also ordered the immediate removal of content defined as irregular, under penalty of a fine ranging from BRL 100,000 to 150,000 per hour of non-compliance. Another measure included in the Resolution was the temporary suspension of profiles, accounts, or channels on social media that were systematically producing and disseminating false or seriously decontextualized content, which can be understood as a preventive mechanism against future illicit activities that the TSE frequently used during the 2022 elections. If platforms failed to comply with the Tribunal's determinations, the TSE could order their suspension for some hours proportional to the seriousness of the infraction, with a maximum limit of 24 hours. **Table 3** summarizes the main novelties of Resolution 23,714 in the fight against disinformation.

90 Available at <<https://www.tse.jus.br/comunicacao/noticias/2022/Outubro/tse-aprova-resolucao-para-dar-mais-efetividade-ao-combate-a-desinformacao-no-processo-eleitoral>> Accessed on 09/03/2023.

91 Available at <<https://www.conjur.com.br/2022-out-20/tse-edita-resolucao-estrangular-explosao-desinformacao>> Accessed on 09/03/2023.

LAW/YEAR	TOPIC	MAIN REGULATORY NOVELTIES ON DISINFORMATION AND POLITICAL PROPAGANDA ON THE INTERNET
RESOLUTION NO. 23.714, OF OCTOBER 20, 2022	Provides for the fight against disinformation affecting the integrity of the electoral process.	<p>Provides for the fight against disinformation affecting the integrity of the electoral process, adding rules to what was already provided for in art. 9-A of the previous Resolution.</p> <p>Defines the immediate removal of content with knowingly false or seriously decontextualized facts about the electoral process by the platforms, under penalty of a fine of between R\$100,000 and R\$150,000 per hour of non-compliance.</p> <p>Extends TSE rulings on removing disinformation to other situations with identical content.</p> <p>Determines that the systematic production of disinformation authorizes the temporary suspension of profiles, accounts, or channels maintained on social media.</p> <p>In case platforms repeatedly fail to comply with the Resolution, the TSE may order its suspension for a number of hours proportional to the seriousness of the infraction, with a maximum limit of twenty-four hours.</p>

Table 3: Summary of the main novelties of Resolution 23,714 of October 20, 2022.

Source: Prepared by the author based on TSE Resolution 23.714.

The repercussions of this resolution were controversial: on the one hand, it was seen as an excessive measure that could create dangerous precedents by granting the Electoral Court greater authority to remove content, potentially threatening the voter's and candidate's freedom of expression, among other rights. On the other hand, it was interpreted as a necessary measure in light of the political situation, with a high level of disinformation circulating on networks and attacks on the electoral process and democracy, mainly by Bolsonaro's campaign and supporters.

The main criticism by specialists was related to the creation of a sort of "police power" for the Electoral Court since the typical function of the Judiciary is to act only when provoked. Furthermore, they point out that the

new measures changed the game rules in the final stretch of the elections.⁹² Another delicate point was the possibility of suspending platforms' services, considered an extreme measure that could have serious negative impacts in terms of human rights, internet infrastructure, and the economy.⁹³ In this sense, although this type of case stems from complex legal controversies on the extension of national jurisdiction over foreign companies, experts question the proportionality of this type of decision in similar precedents in Brazil.⁹⁴

According to Brito Cruz, until the publication of the Resolution, the Court had been accepting a significant part of content removal requests made by campaigns. His perception is that, at times, it seemed less concerned with the removals themselves than with publicizing its decisions. He considers that the message given by the Court about content removals was that although they could sometimes tend to eventual excesses, it was necessary to speed them up since the attacks on democratic institutions and the electoral process represented a greater danger that justified such actions.

At the initiative of the Center for Teaching and Research in Innovation (CEPI) and the Center for Research in Competition, Public Policy, Innovation and Technology (COMPPIT) of the FGV SP Law School, professors and researchers, with the help of students, created an Observatory on Disinformation in the 2022 Elections⁹⁵ and conducted real-time monitoring of the TSE's decisions on the topic during the electoral period. By producing weekly newsletters with the main decisions, the project has contributed to raising awareness and facilitating the understanding of the jurisprudence applied to disinformation cases. **Table 4** summarizes the figures published by the project between June 13 and November 6:

92 Available at <<https://www.bbc.com/portuguese/brasil-63338642>> Accessed on 09/02/2023.

93 Available at <<http://bloqueios.info/en/about/>> Accessed on 09/03/2023.

94 Available at <<http://bloqueios.info/pt/#home-content>> Accessed on 09/03/2023.

95 Available at <<https://medium.com/observat%C3%B3rio-da-desinforma%C3%A7%C3%A3o-nas-elei%C3%A7%C3%B5es-2022>> Accessed on 05/07/2022.

NUMBERS OF DECISIONS ABOUT DISINFORMATION IN THE ELECTORAL JUSTICE	
NUMBER OF DECISIONS ANALYZED	427
DECISIONS CONTAINING CONTENT REMOVAL REQUESTS	331
Removal denied	155 decisions (47%) denied removal requests, considering the cases did not qualify as disinformation.
Assessment of veracity	In 84 of these cases (54%), no further investigation was conducted to verify the veracity of the content as part of the assessment to deny removal requests.
In the other cases, the magistrate assessed veracity using:	Consultation of news sources: 19 decisions (12%). Official research sources: 9 decisions (6%) Original version of the content: 28 decisions (18%)
Content removed	176 decisions (53%) admitted removal requests, classifying the cases as disinformation.
Assessment of veracity	In 65 of these cases (37%), no further investigation was conducted to verify the veracity of the content as part of the assessment to admit removal requests.
In the other cases, the magistrate assessed veracity using:	Consultation of news sources: 20 decisions (11%). Official research sources: 23 decisions (13%) Original version of the content: 53 decisions (30%)

Table 4: The numbers of disinformation in the electoral justice system.

Source: Elaborated by the author with data from the Observatory on Disinformation in 2022 Elections ⁹⁶

96 Available at <<https://medium.com/observat%C3%B3rio-da-desinforma%C3%A7%C3%A3o-nas-elei%C3%A7%C3%B5es-2022/os-n%C3%BAmeros-da-desinforma%C3%A7%C3%A3o-na-justi%C3%A7a-eleitoral-495d597ee0e6>>

Accessed on 05/07/2023.

As Table 4 shows, there is a high number of decisions (77% of the total analyzed) with requests for content removal in cases about disinformation, possibly indicating that different actors see this as one of the main ways to deal with disinformation in the electoral period. Another striking point in the figures published by the project is the large number of cases in which the decision does not include any verification of the information in question – both in cases where the removal request is denied or admitted. This may partly indicate a difficulty with Electoral Justice and a possible lack of human resources to deal with the high volume of disinformation circulating through the different platforms.

According to Brito Cruz's assessment, the TSE Resolution of October 20 does not necessarily change the system of countering disinformation by the Electoral Justice. Still, content removal is the primary strategy in this fight, as confirmed by the high number of content removals indicated above. According to him, this could be erratic from the point of view of freedom of expression and affect legitimate content, especially considering the low rate of verification of information by judges. Additionally, the Resolution does not broadly discuss platforms' content moderation policies. This is an interesting point, as it suggests that the TSE Resolution expands the powers of the Electoral Justice for content removal but is not complemented by more comprehensive strategies to fight disinformation. In the context of information overload and disputes for voters' attention, some experts consider the excessive focus on content removal ineffective,⁹⁷ as new false content emerges at the speed of a click.

From another point of view, quick measures were necessary, and on the eve of the second round of the elections, there was no time to promote a broader discussion within society. The debate shows that, to deal with such a complex problem, comprehensive measures that focus on the entire disinformation ecosystem and infrastructure are needed – not just to deal with the tip of the iceberg, which would be false content. There is a large industry – with funds and strategy – behind the production, on an industrial scale, and circulation of false information for mass dissemination. In addition, platforms'

97 Available at <<https://www1.folha.uol.com.br/podcasts/2022/04/justica-eleitoral-vira-ringue-na-disputa-por-remocao-de-fake-news-ouca-podcast.shtml>> Accessed on 09/03/2023.

performance through content moderation policies and practices has proven insufficient to respond to the scenario described in this research. Therefore, the investment in content removal focuses only on the top of the industry and not on all its layers.

Tatiana Dourado, post-doctoral researcher at the National Institute of Science and Technology in Digital Democracy (INCT.DD), considers that there were shortcomings from the systemic point of view in the work of the Electoral Justice in 2022. One of them was the performance of the Electoral Public Ministry (MPE), which acted less than it could have done to fight disinformation, according to her assessment, shared by most of the relevant actors from academia and civil society interviewed. In her opinion, Resolution 23,714 tried to fill this gap by providing for the removal of content without the need for representation from the Public Prosecutor's Office or the affected parties.

According to Samara Castro, an electoral lawyer with expertise in digital rights, the MPE practically did not act in the 2022 elections, and this was very detrimental, as it caused politicians to perceive a certain level of impunity. She also believes that the Electoral Justice had to defend itself, which implied certain levels of arbitrariness. However, she considers this necessary in an electoral context marked by attacks on democracy. According to her, the negative point of the Resolution is that it sets bad precedents for moments of democratic stability. The positive point was the possibility of setting conditions for fair elections in the face of campaigns with high toxicity levels – from both the right and the left.

In Caio Machado's words, the TSE forced the situation because, in terms of jurisdiction, it was necessary for other actors, such as the Attorney General's Office (PGR), to take further action. Even so, he believes that the Court had an important performance because we were not in a context of normality. As he points out, one of the distinctive features of the 2022 elections is that disinformation was being openly promoted by those in power and by those occupying public functions, with the stamp of authority of the government that was then in power. Thus, we had a series of generalized violations of electoral rules, which the Public Prosecutor's Office and the PGR could have investigated, but they did not, leaving those responsible unpunished.

When we asked the Regional Electoral Prosecutor of São Paulo, Paula Bajer, about civil society and academic criticism of the Electoral Public Ministry, she replied that the MPE has to be very careful not to act politically and favor the interests of any parties. According to her, all the news that reached the MPE via protocol and contained a minimum of information were investigated and followed by the appropriate course of action. In her opinion, parties must present their evidence for the complaints to move forward; otherwise, they will be archived. The Prosecutor emphasizes that political parties and coalitions can and should carry out their investigations in the electoral process because, unlike what happens in the criminal field, it is not only the Public Prosecutor's Office that has the power and the duty to act in these cases.

In general, the Prosecutor considers that the TSE and the press were very well prepared for the 2022 elections, professionalizing their performance, and both the Judiciary and the population have matured their understanding of the informational context. She emphasizes that the Public Prosecutor's Office "is not the mother or father of all"; it is another institution that must operate according to the law and its attributions.

A final point to highlight when it comes to the operation of the Judiciary during the elections involves the president of the TSE and Justice of the STF, Alexandre de Moraes, who became a central actor in the fight against disinformation in 2022. Moraes had been personifying the battle against the pro-Bolsonaro disinformation industry, both for his work at the TSE and his performance investigating fake news at the STF. As a result, he became one of the main targets of Bolsonaro and his supporters inside and outside social media channels. An emblematic moment of this tension was on September 7, 2021,⁹⁸ Brazil's Independence Day, when Bolsonaro delivered a public speech with anti-democratic statements and direct attacks on Justice.⁹⁹

98 Throughout Bolsonaro's term in office, the former president has used this commemorative date to rally his supporters and has taken advantage of these opportunities to make coup-plotting and anti-democratic statements. See more at <<https://blogs.oglobo.globo.com/bernardo-mello-franco/post/bolsonaro-transforma-7-de-setembro-em-dia-nacional-do-golpismo.html>> Accessed on 07/18/2023.

99 Available at <<https://www.poder360.com.br/governo/leia-a-integra-do-discurso-de-bolsonaro-no-ato-de-7-de-setembro-em-sao-paulo/>> Accessed on 05/07/2023.

Although some relevant actors may consider the actions of the TSE and Alexandre de Moraes to be excessive at times, the predominant evaluation is that the risk to democracy and the urgency of the electoral context justified their actions, something that became even more evident after the attacks of January 8, 2023. However, although the minister has centralized much of the discussion, as Brito Cruz points out, he does not act alone. Besides being legitimized by his peers, the inaction of the PGR also justified his actions. In general, be it at the level of the STF or the TSE, the actions of the Brazilian Judiciary in response to disinformation in the 2022 elections must be understood within a broader context and the exceptional circumstances observed. Far from being a reference for general good practices, they must be analyzed carefully, considering their possible impacts on the exercise of fundamental rights, especially considering the history of authoritarianism and censorship still present in Latin America.

In summary, we can observe that if in 2018 the potential impact of disinformation took the Judiciary by surprise, in 2022, with a digital influence industry aligned with Bolsonaro strengthened after four years, the Electoral Justice sought to take measures within its reach to deal with it. A regulatory update also sought to fill gaps identified in 2018, such as mass messaging and the use of personal data. Additionally, faced with the challenge of monitoring a highly complex context of multiplatform information chaos, the creation of alliances by the Electoral Justice through the Permanent Program on Countering Disinformation was central to supporting and underpinning judicial decisions, facilitating communication channels with strategic actors, and training its employees to address the issue.

To better understand the events of the 2022 elections, it is also necessary to analyze how digital platforms behaved, both in relation to Electoral Justice and to their own policies of content moderation, advertising, transparency tools, and dialogue with civil society.

4. Digital platforms and the disinformation ecosystem

a. The multi-platform ecosystem and big techs in the 2022 elections

When discussing disinformation in an electoral context, we cannot lose sight of the fact that it is a complex phenomenon linked to an ecosystem of multi-platform information production and consumption, involving different actors and political and economic interests, with a high impact on our societies and democracies. In this section, we will try to understand the main developments in the disinformation ecosystem in the 2022 elections and the platforms' actions.

While in the 2018 elections, we already had an information scenario involving different platforms, in 2022, this was even more evident. Although the platform that stood out in Brazil in 2018 was WhatsApp, some interviewees pointed out that the prominence of this app does not necessarily mean that fake news only circulated on it, nor that other platforms were irrelevant in the composition of this ecosystem. It is worth highlighting the complexity of analyzing the scale and capillarity of the disinformation ecosystem due to processes that are not very visible, involving the opaque layers of platform infrastructures and illicit propaganda networks. Thus, this kind of technical alienation (CESARINO, 2022) concerning platforms, understood as “black boxes,” hinders a consistent and panoramic assessment of the flows and volumes of disinformation, which becomes a major methodological challenge for research on this topic.

Despite these inherent difficulties in the study of platforms and their infrastructures, it is possible to observe some changes in the digital communication ecosystem, from the arrival of new platforms on the informational scene to updates in the policies and practices of existing ones. In addition to the already popular platforms - WhatsApp, Instagram, Facebook, Twitter, and Youtube - the platform landscape in Brazil in 2022 had some new elements compared to 2018, such as the popularization of TikTok, Telegram, and Kwai, which constituted an even more decentralized scenario of information distribution.

Although it officially arrived in Brazil in 2018, it was not until 2019 that TikTok established an office in the country, and in 2020, it became popular among the Brazilian population, especially young people.¹⁰⁰ The platform, which focuses on the production of short videos, currently has 82 million Brazilian users,¹⁰¹ making Brazil the second country in the world to use it, after China, its country of origin.¹⁰² Another important aspect is the algorithm,¹⁰³ which stands out for its segmentation and viral capacity compared to other social media.

Kwai arrived in the country in 2019 and already has more than 48 million users. Like TikTok, this platform favors the production and sharing of short videos using music, effects, and filters provided by the app itself. Unlike TikTok, Kwai has become more prevalent in Brazil among users over 30.¹⁰⁴ One strategy the platform has used to increase its popularity is to pay users to recommend the service to their friends.

Meanwhile, the messaging app Telegram arrived in the country in 2013 but only became popular in 2015 after the courts blocked WhatsApp in 2015 and 2016.¹⁰⁵ In 2021, another episode of instability on WhatsApp generated a new wave of migration to Telegram, but further events on the local and global political scene helped to consolidate it as a relevant platform for

100 According to data from the annual TIC Kids 2022 survey, TikTok is the main social network used by children and teenagers aged 9 to 17 in Brazil, ahead of Instagram and Facebook. Available at <https://cetic.br/media/docs/publicacoes/1/20230825142135/tic_kids_online_2022_livro_eletronico.pdf> Accessed on 09/03/2023.

101 Available at <<https://resultadosdigitais.com.br/marketing/redes-sociais-mais-usadas-no-brasil/>> Accessed on 05/09/2023.

102 Available at <<https://www.shopify.com/br/blog/tiktok-brasil>> Accessed on 05/09/2023.

103 Available at <<https://www.techtudo.com.br/noticias/2021/04/como-funciona-o-algoritmo-do-tiktok-entenda-como-videos-aparecem-na-fyp.ghtml>> Accessed on 09/15/2023.

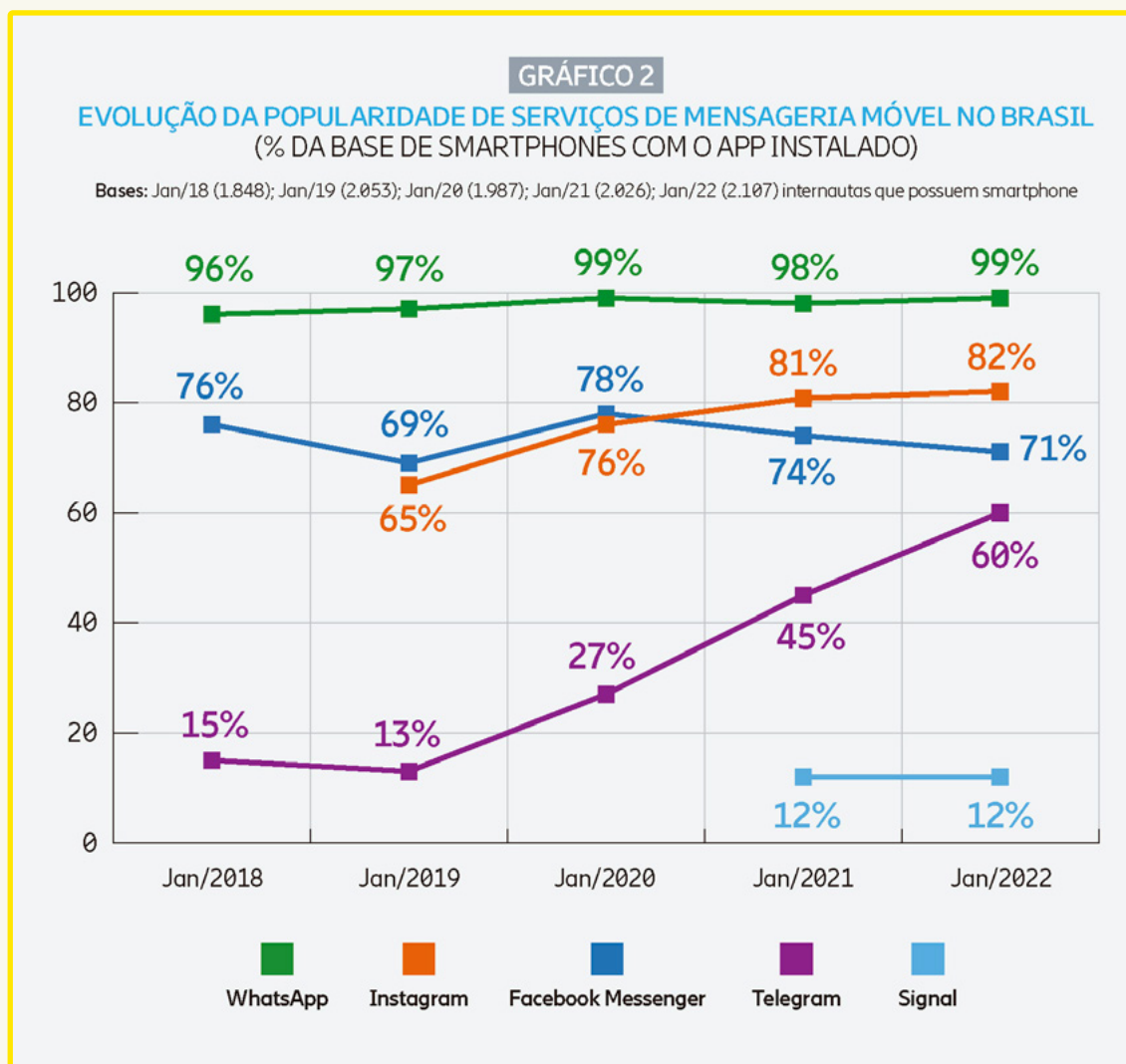
104 Available at <<https://www.terra.com.br/byte/como-o-kwai-o-lado-b-das-redes-sociais-se-popularizou-no-brasil,f5674b382d21792f281148412635bc7av01fczic.html>> Accessed on 09/15/2023.

105 Available at <<https://g1.globo.com/tecnologia/noticia/2022/03/18/whatsapp-ja-foi-bloqueado-por-decisao-judicial-em-2015-e-2016-no-brasil.ghtml>> Accessed on 09/03/2023.

political communication, especially on the far right. On the international stage, the invasion of the Capitol on January 6, 2021, in the United States triggered content control and moderation measures on major platforms, such as the removal of content and profiles, including those of important figures such as former US President Donald Trump (NASCIMENTO et al., 2022). Meanwhile, this process, called deplatforming¹⁰⁶ (ROGERS, 2020) of the far-right, has the side effect of migrating profiles and influencers to other platforms with less control, regulation, and public opinion oversight. In Brazil, the migration of far-right audiences has been more intense since January 2021, when Bolsonaro, following the migration flow of the global far-right, created his official channel on the app and encouraged his supporters to follow his content there.¹⁰⁷

106 Deplatforming was the term used by Rogers (2020) and other experts to describe the blocking and suspension of accounts of politicians like Donald Trump from major platforms, which ended up generating a migration to other platforms with less control and moderation. Cf. ROGERS, Richard. Deplatforming: Following Extreme Internet Celebrities to Telegram and Alternative Social Media. *European Journal of Communication*, v. 35, n. 3, pp. 213-29, 2020.

107 Available at <<https://twitter.com/jairbolsonaro/status/1349092202333544454>> Accessed on 05/15/2023.



Graph 2: Popularity of mobile messaging services in Brazil by % of installations
Source: Mobile Time. Available at <<https://www.messengerpeople.com/pt-br/whatsapp-no-brasil/>> Accessed on 04/18/2023

Figure 2 shows the app's accelerated growth in the number of users in recent years compared to other social media platforms and messaging apps. By consolidating itself as one of Brazil's leading far-right communication platforms, Telegram has taken on an increasingly important role in digital communication and, in turn, in the disinformation ecosystem. Unlike WhatsApp, Telegram has a hybrid architecture that combines features of social media platforms with those of messaging, allowing both private communication and broader communication through the creation of broadcast channels with no maximum number of registered users, as well as a source of information through search engines, the use of hashtags, mentions, and other features (NASCIMENTO et al., 2022).

When it comes to disinformation spread, each platform's architecture and infrastructure will provide different communication dynamics. On the one hand, research on platforms that organize information flows through algorithmic recommendation systems has shown a particular homophilic bias (CESARINO, 2022), meaning that the algorithm tends to privilege a type of equal segmentation. Since these systems rely on past behavior to predict the future, this means that if someone starts consuming content from a specific political spectrum, it will likely receive similar content. In this way, the ultra-personalized universe of algorithms creates so-called filter bubbles (PARISIER, 2012); in other words, it isolates users from consuming undiversified information, reinforcing their existing beliefs and opinions. In this socio-technical architecture, therefore, these systems can amplify disinformation and reach specific groups that tend to believe or accept this type of content more easily. Thus, the algorithms on the various platforms are a crucial element of the architecture for understanding political polarization.

On the other hand, even if the architecture of messaging apps does not rely on algorithmic recommendation mechanisms, it can favor disinformation in other ways. By favoring a kind of private or semi-private communication, WhatsApp and Telegram manage to group together communities of high-affinity users to consume and share information, making it very difficult for public scrutiny to monitor the dynamics of communication and influence flows. According to Nascimento et al. (2022), the versatility of Telegram's architecture and functionalities makes it a fertile space for the constitution of what they call refracted publics, i.e., publics formed through the strategic mediation of certain users who learn how the platforms work in order to manipulate their affordances and produce publics "under the radar" of the surface internet (p.48). In their view, this kind of public is not formed separately from the dominant publics of the surface internet but in a relationship of contrast and complementarity with them.

In an interview, Letícia Cesarino explains that when monitoring is done with computational methods combined with qualitative methods, it is easy to see the actions of these groups and especially of the actors they call talkatives, a term used to describe those users with a comparatively high volume and frequency of posts and who rarely go many days without posting (Nascimento et al., 2022, p.43). This type of user plays a special role in the political communication and disinformation ecosystem, as they are like

invisible influencers who appear to be ordinary users, but when their behavior is observed at scale, it becomes clear the role they play as disseminators or creators of content, articulating engagement in the conversation and the posts.

Besides the technical features of these architectures, the policies and their implementation are factors that can either facilitate or hinder their misuse for the circulation of disinformation. Not only will the architecture and policies modulate information flows, but also the socio-cultural dynamics among users themselves, which end up taking on specific characteristics. Therefore, it is necessary to consider the differences between each of these platforms that constituted the informational ecosystem in which the 2022 Brazilian election took place.

With this multi-platform ecosystem, Brazil is the third country with the highest social media consumption in the world, after India and Indonesia.¹⁰⁸ While in 2018 the platforms took a much less proactive stance in the fight against disinformation, in 2022, this stance has changed. This change in attitude is not merely a matter of goodwill but also the result of institutional pressure, particularly from the electoral judiciary and civil society. Among the actions taken by the platforms, the memorandums¹⁰⁹ signed to partner with the TSE in countering disinformation under the PPED stand out..

These memorandums are formal cooperation agreements between the parties but are not binding. This means that if the parties do not comply with the agreement, there is no provision for damages or penalties for either of them. They are also cost-free agreements, i.e., not involving financial obligations on either side. Most of these agreements were signed between January and February 2022 and are valid until December 31, 2022, except for Twitter, which had already established the partnership in November 2021, and Telegram, which signed the agreement in May of the election year after threats of being blocked by the courts. **Table 4** summarizes the main actions established under this partnership between the platforms and the TSE.

108 Available at <<https://forbes.com.br/forbes-tech/2023/03/brasil-e-o-terceiro-pais-que-mais-consome-redes-sociais-em-todo-o-mundo/>> Accessed on 05/09/2023.

109 Available at <<https://www.tse.jus.br/comunicacao/noticias/arquivos/assinatura-de-acordos-plataformas-digitais>> Accessed on 05/12/2023.

	FACEBOOK	GOOGLE
ACTIONS TO DISSEMINATE RELIABLE INFORMATION	<ul style="list-style-type: none"> – Make the megaphone tool available to disseminate messages to Brazilian users about the 2022 elections; – Election label on Facebook and Instagram; – Stickers on Instagram; – Chatbot on Instagram; 	<ul style="list-style-type: none"> – Highlighting apps with civic content in the Google Play Store during the election period; – Publishing a Doodle relating to the 2022 elections; – Adopting measures so that users of its platforms can have access to information from reliable sources about the electoral process, including the TSE's initiatives for countering disinformation;
CAPACITY BUILDING ACTIONS	<ul style="list-style-type: none"> – Seminars with the TSE and the TREs; – Production of educational booklets about platforms; – Workshops on hate speech and extremism with civil service and communications teams; – Encouraging female participation in politics 	<ul style="list-style-type: none"> – Training for TSE and TRE teams on Google tools; – Training for other relevant actors; – Production of informative content on the platforms' functioning.
ACTIONS TO CONTAIN DISINFORMATION	<ul style="list-style-type: none"> – Ad library API; – Non-binding extrajudicial communication channel for reporting content that conveys disinformation related to the process 	<ul style="list-style-type: none"> – Trends Hub for Elections; – Complaints Channel for the TSE, which provides advanced tools for accredited entities to report content and feedback on decisions;
ACTIONS TO INCREASE TRANSPARENCY	Does not have this clause	<ul style="list-style-type: none"> – Political Ads Transparency Report for Brazil

	TWITTER	WHATSAPP
ACTIONS TO DISSEMINATE RELIABLE INFORMATION	<ul style="list-style-type: none"> – Activation of search alerts, which will allow users to see a message and be redirected to a TSE page, resource, or profile – Creation of the @MomentsBrasil account to share content about the electoral process – Support for TSE initiatives through the @TwitterBrasil profile and the Twitter blog to amplify content – Creation of emojis about the elections 	<ul style="list-style-type: none"> – Interface access to WhatsApp's Business Application Programming Interface ("API"); – Stickers on WhatsApp
CAPACITY BUILDING ACTIONS	<ul style="list-style-type: none"> – Conducting training for TSE and TRE teams and other relevant actors on Twitter tools and policies – Producing educational booklets about the platform 	<ul style="list-style-type: none"> – Seminars with the TSE and TREs on tools, policies, and practices for elections on WhatsApp; – Educational booklet about WhatsApp
ACTIONS TO CONTAIN DISINFORMATION	<ul style="list-style-type: none"> – Diligent action in analyzing complaints made by the TSE about possible violations of the platform's rules and policies – A Complaints Channel for faster receipt and analysis of complaints about violations of the platform's rules and policies by the TSE. 	<ul style="list-style-type: none"> – Exclusive extrajudicial communication channel with the TSE for information on accounts suspected of mass messaging. Once the reports are received, WhatsApp will conduct an internal investigation to verify whether the accounts indicated have violated WhatsApp's terms of service and policies.
ACTIONS TO INCREASE TRANSPARENCY	Does not have this clause	Does not have this clause

	TIKTOK	TELEGRAM
ACTIONS TO DISSEMINATE RELIABLE INFORMATION	<ul style="list-style-type: none"> – The 2022 Elections Information Center, a page on the platform to centralize educational and reliable information; – Support for the live broadcast of events held by the TSE; – Assistance in disseminating voter service content 	<ul style="list-style-type: none"> – Support for the TSE Verified Channel; – Access the Application Programming Interface (“API”) to operate the official TSE Bot.
CAPACITY BUILDING ACTIONS	<ul style="list-style-type: none"> – Conducting training for TSE and TRE teams and relevant actors on tools, policies, and practices in elections; – Producing educational booklets about the platform 	Does not have
ACTIONS TO CONTAIN DISINFORMATION	<ul style="list-style-type: none"> – Complaints channel for faster receipt and analysis of reports of possible violations of the platform’s rules and policies by the TSE; – Transparency report with feedback on the outcome of complaints; – Removal of malicious content; – Support for verification institutions 	<ul style="list-style-type: none"> – Creation of a channel for extrajudicial communications with the TSE; – Disinformation flagging; – Legal and best practice analysis; – Participate in regular TSE team meetings. Platform’s civic integrity policy;
ACTIONS TO INCREASE TRANSPARENCY	<ul style="list-style-type: none"> – Talks with the TSE; – Transparency report on the application of policies during the 2022 elections. 	<p>It does not have this clause, but unlike the other memoranda, it adds a paragraph stating, “The TSE declares its intention to carry out the following actions within the framework of this cooperation:</p> <ul style="list-style-type: none"> – Filtering complaints; – Promoting verified information; – Transparency”.

	KWAI
ACTIONS TO DISSEMINATE RELIABLE INFORMATION	<ul style="list-style-type: none"> – Elections 2022 Information Page with educational and reliable information on the electoral process; – Support for the broadcasting of events held by the TSE; – Assistance in disseminating voter service content; – Holding events that provide information on the Elections
CAPACITY BUILDING ACTIONS	<ul style="list-style-type: none"> – Training for TSE and TRE teams and other relevant actors on Election tools, policies and practices
ACTIONS TO CONTAIN DISINFORMATION	<ul style="list-style-type: none"> – Platform's civic integrity policy; – Extrajudicial communication channel with the TSE for reporting content that conveys disinformation related to the electoral process; – Feedback on the outcome of reports; – Removal of malicious content; – Support for fact-checking institutions.
ACTIONS TO INCREASE TRANSPARENCY	<ul style="list-style-type: none"> – Conversations with the TSE; – Report on the activities developed under this Memorandum of Understanding, detailing the measures adopted to apply the platform's policies during the Elections.

Table 4: Comparison of platform memorandums with the TSE
Source: elaborated by the author based on the publicly available memorandums from the TSE.

Reflecting the axes of the Strategic Plan of the TSE's Permanent Program on Countering Disinformation, these agreements are divided into three main axes: i) *Actions to disseminate reliable information*; ii) *Actions to build capacity*, iii) *Actions to contain disinformation*, and some include a 4th axis, which would be iv) *Actions to increase transparency*. Standing out among the main measures is the creation of direct and extrajudicial communication channels between the TSE and the platforms to speed up the companies' assessment of harmful content for moderation, as indicated by the TSE. Another important measure is the support of technical infrastructures to amplify reliable information from official Electoral Justice sources. However, the proposed solutions are still rather timid, given the scale and complexity of the context.

In addition to the measures taken in agreement with the TSE, the platforms have taken their own measures to improve their policies and mechanisms for dealing with disinformation, hate speech, and other violations of their terms of use. **Table 5** highlights the platforms' main disclosed measures for the 2022 Brazilian electoral context, including their results after the elections and their transparency reports, where applicable. The institutional materials consulted are listed in Annex 2 of this report.

PLATFORM	ACTIONS TO INCREASE TRANSPARENCY
<p>META (INSTAGRAM & FACEBOOK)</p>	<ul style="list-style-type: none"> _ Activated the Election Operations Center, bringing together different specialists to deal with potential threats _ Established a direct channel with the TSE for reporting content. _ Between August 16 and October 2, they removed over 310,000 pieces of content on Facebook and Instagram that violated their violence and incitement policies. In the same period, more than 290,000 pieces of content were removed for hate speech. _ Inserted labels directing to official information from the Electoral Justice, displayed to more than 74 million users on Facebook alone. _ Increased the number of independent partners in its Independent Fact Check Program from four to six. In Brazil, the partners are: Agência Lupa, AFP, Aos Fatos, Estadão Verifica, Reuters Fact Check and UOL Confere. _ Record of boosted advertisements about politics, elections, and social issues on Facebook and Instagram is identified in the Ads Library. _ Rejected around 135,000 pieces of boosted content directed at Brazil from advertisers who had not completed the authorization process or from posts that did not contain the label “Paid for by” or “Electoral Advertising.” _ A ban on boosted content questioning the legitimacy of the Brazilian election. _ Removed disinformation content or unverifiable rumors included in the following categories: (i) Physical aggression or violence; (ii) Harmful health disinformation; (iii) Interference in political processes; (iv) Manipulated media. _ Released additional figures on Meta’s actions in the Brazilian Election in 2022 Brazilian Election by the Numbers _ Its official website has a specific section on its actions regarding elections in different countries. This section contains information on measures to disrupt influence operations coordinated by inauthentic accounts, combating abuse to eliminate fake accounts, and partnerships with authorities, non-profit organizations, civil rights groups, and others. _ Removal of content that violates policies aimed at voter suppression; removal of fake accounts

PLATFORM	ACTIONS TO INCREASE TRANSPARENCY
WHATSAPP	<p>_ Created an extrajudicial channel for receiving complaints from the TSE, focusing on identifying mass messaging.</p> <p>_ Maintained the private nature of WhatsApp through end-to-end encryption.</p> <p>_ Limited message forwarding to just five conversations at a time, reducing message forwarding by more than 25% on the app.</p> <p>_ Established stricter limits for viral messages, such as identifying messages forwarded more frequently using a label indicating that the content was not created by the contact who sent it. These messages can only be forwarded to one conversation at a time, a measure that would have reduced viralization by more than 70%.</p> <p>_ Banned mass messaging through technology that identifies accounts with abnormal behavior to prevent sending unwanted messages and misinformation. Per month, the company has banned more than 8 million accounts, and 75% of them are identified automatically.</p> <p>_ User privacy settings aimed at preventing abusive use of groups and empowering users to counter disinformation.</p> <p>_ Does not allow the use of WhatsApp for Business by political candidates and campaigns.</p> <p>_ Allows users to report and block accounts for abusive or unwanted messages.</p> <p>_ Partnership with the International Fact-Checking Network (IFCN) to make fact-checking available directly in the app.</p> <p>_ Educational campaigns such as "Share joy, not rumors."</p>
YOUTUBE	<p>_ Prohibits certain types of misleading content and misinformation that can cause serious harm, including content related to 1. voter suppression; 2. qualification of candidates; 3. inciting the public to interfere in democratic processes; 4. distribution of material stolen by hackers; 4. election integrity</p> <p>_ Conspiracy theory content used to justify real-world violence is prohibited;</p> <p>_ Prohibits disinformation that may cause real risks (such as the promotion of harmful drugs or treatments), some types of edited content, and videos that interfere with democratic processes, including: 1. Suppression of participants in a census; 2. Manipulated media; 3. Misattributed content; 4. Promotion of dangerous drugs, forms of healing, or substances; 5. Contradiction of the consensus opinion among experts on certain safe medical practices.</p>

PLATFORM	ACTIONS TO INCREASE TRANSPARENCY
TIKTOK	<p>_ Do not accept paid political ads.</p> <p>_ Partnerships with fact-checking agencies and other organizations, such as Agência Lupa, Associação de Jornalismo Digital (Agor), JOTA, and Instituto Palavra Aberta.</p> <p>_ Policies to address attacks on the electoral system and improve their review and enforcement capacity without specifying which ones.</p> <p>_ In partnership with the TSE, it created a page on the platform with the 2022 Elections Guide, accessed 6,862,792 times between February and November 2022.</p> <p>_ Users are warned to think before sharing content with unverified information about elections, which would have resulted in a 25% reduction in sharing such content in the weeks before and after the elections.</p> <p>_ Created a tool for users to filter out words or hashtags, they would like to see on the For You and Following pages or choose not to see.</p> <p>_ Tagged 1,1516,905 videos related to the electoral context that led to the TSE's official channels</p> <p>_ Implemented hashtags related to the importance of following the Community Guidelines.</p> <p>_ Prohibits harmful disinformation content that could harm civic processes, such as those claiming that verifying, validating, or accepting the election result would not be possible.</p> <p>_ Prohibits activities that could undermine the integrity of the platform or the authenticity of users, such as ways to manipulate the platform's mechanisms.</p> <p>_ Between August 16 and December 31, they removed 66,020 videos identified as violating the election disinformation policy, 91.1% of which were proactively detected, and 79% were removed without a single viewing.</p> <p>_ They created an exclusive channel to receive content that may have extrajudicially violated the policies. Between February 15 and December 31, they received 128 links from the TSE for analysis, of which 106 were removed.</p> <p>_ Complied with 90 court orders during the election year, which ordered the removal of 222 links. There were 52 orders from the TSE ordering the removal of 182 URLs and 38 from the regional electoral courts ordering the deletion of 40 URLs.</p> <p>_ In 2021, they created a Security Advisory Council, an external group of experts who provide comments on policies and practices, including misleading information about elections, hate speech, and the safety of minors.</p>

PLATFORM	ACTIONS TO INCREASE TRANSPARENCY
TWITTER	<ul style="list-style-type: none"> _ Does not allow electoral propaganda in Brazil _ It has a global civic integrity policy, which serves as the basis for classifying and posting warnings about Tweets classified as questionable or misleading. This content also has its visibility reduced. _ Inserted tags in candidates' profiles, Tweets, and Retweets, including information about the position they are running for and the state (if applicable). _ Has separate policies for disinformation, including: 1. Disinformation in Times of Crisis; 2. Synthetic and Manipulated Media; 3. Civic Integrity. It is forbidden to publish (i) content that violates the policies on disinformation in times of crisis, (ii) disinformation about Covid-19, (iii) civic and electoral integrity, including content that confuses people about how, when or where to participate in elections or civic processes and (iv) synthetic and manipulated media; _ Production of content and educational campaigns on the rules and resources of the platform and media literacy. _ Support for fact-checking agency projects _ Reinforced security protection for candidate accounts _ Availability of special emojis activated by the use of electoral hashtags _ Prohibits mass registration and the use of automation to create Twitter accounts. It is not allowed to artificially inflate your followers or engagements or those of others.
GOOGLE	<ul style="list-style-type: none"> _ In partnership with the TSE, it launched the "How to get a voter registration card" and "How to vote" tools to facilitate the search for official information, with almost 240 million views during the election period. _ Creation of the Google Trends Elections 2022 Center, gathering search trends and voter interests on the search engine _ Gathered the collection of official Electoral Justice apps, news sites, fact-checking organizations, and civic purposes on Google Play (the company's app store) _ Monitoring and disclosure of actions linked to campaigns and disinformation operations by the Threat Analysis Group (TAG) _ Verification of advertisers for political issues and Transparency Report for Political Ads, composing a Library of Political Ads from both Google and Youtube _ Renewed partnership with Projeto Comprova, Brazil's largest fact-checking coalition of 43 media outlets, and funding for its app _ Project to train journalists in fact-checking through the Google News Initiative in collaboration with Abraji (Brazilian Association of Investigative Journalism)

PLATFORM	ACTIONS TO INCREASE TRANSPARENCY
KWAI	<ul style="list-style-type: none"> _ Its policies provide for the removal and labeling of content that has the potential to undermine the democratic process through false, misleading, and damaging information to individuals and institutions. It specifically prohibits electoral disinformation. _ Provided for the implementation of a strategy to massively reduce the spread of disinformation and remove harmful content that violates its Elections Policy _ Educational campaigns such as “Fato ou Boato,” #SeuVotoFazOPaíse #DeOlhoNaUrna _ Broadening reliable information through creating the Central das Eleições website facilitates access to official TSE information. _ Complaints channel to respond quickly to the TSE’s demands _ Partnership with fact-checking agencies to evaluate content related to the election, collaborating in labeling it as false, distorted, or unverifiable. _ Moderation of more than 100,000 videos during the election period; removal of 7,525,300 videos in the second half of 2022 for violating the Community Guidelines or Terms of Service, representing less than 1% of all content published on the platform. _ Received 142 requests from the TSE involving requests for restricting and removing content and banning user content that violates community policies.
TELEGRAM	<ul style="list-style-type: none"> _ Does not have a specific policy against disinformation or civic or electoral integrity policies _ Did not disclose any measures or results in agreement with the TSE

Table 5: Platform policies and measures for the 2022 Brazilian elections
Source: elaborated by the author based on the platforms’ institutional materials (Annex 2), complemented with data from Achearegra.¹¹⁰

¹¹⁰ In searches on the Achearegra platform, we used the “content and behavior rules” filter and the “disinformation” and “election” sub-filters. Available at <<https://achearegra.internetlab.org.br/>> Accessed on 04/03/2023.

The table illustrates that, in general, the platforms made an effort to establish and publicize measures related to the Brazilian electoral context. Some of these measures were already provided for in the agreements with the TSE, while others were integrated into their policies and strategies. It is worth noting that most of these platforms, except Telegram, have implemented policies to ensure the integrity of the electoral process. This includes banning misleading content related to the electoral process and content that questions electoral integrity, such as allegations of fraud. While Twitter, YouTube, Meta, TikTok, and Kwai prohibit disseminating misleading information regarding polling stations, they also prohibit making any allegations of electoral fraud (BORGES; BRITO CRUZ; CINTRA, 2023).

Yet it is worth noting that one difficulty in analyzing the policies of these platforms is the lack of standardization regarding their content moderation rules, so each platform defines and details its community standards in its own way. For example, Twitter's policies on disinformation are included in its policy on "civic integrity"¹¹¹ and "disinformation in times of crisis," while TikTok, Meta, and Kwai have policies focused on integrity and authenticity that include specific provisions on disinformation. According to Facebook's Community Standards,¹¹² for example, the company does not simply ban disinformation in general, as this would not provide a valuable warning to its users, nor would it be an enforceable policy. Instead, its policies seek to delineate various categories of disinformation to provide clear instructions on addressing specific discourses, which is why it provides for policies against disinformation on axes such as damage coordination and incitement to crime.

The measures taken by Meta, Google, TikTok, WhatsApp, and Kwai to combat disinformation included partnerships with or support for fact-checking agencies. In addition, as stipulated in the memoranda of understanding with the TSE, the platforms facilitated the display of reliable information on pages, profiles, and other resources and conducted information campaigns. For example, Twitter created a special tab on the elections to centralize information and Google developed the Google Trends Elections 2022 Center to inform the population about search data on the election and the impact of the televised debates.

111 Available at <<https://help.twitter.com/pt/rules-and-policies/election-integrity-policy>> Accessed on 09/03/2023.

112 Community standards describe what is and isn't allowed on the platform.

With the exception of messaging apps (WhatsApp and Telegram), the other platforms typically provide regular information on the application of their policies in their transparency reports. However, the transparency reports of these companies in the second half of 2022 also show little granularity regarding moderation related to disinformation and elections. Notably, the published data does not provide much specific information about geographic regions. Only the Meta, Twitter, and TikTok reports include a filter by region. However, they don't specify the volume of removals by policy applied regionally. The Kwai report, on the other hand, provides aggregate data on removal rates in Latin America. About YouTube and Google,¹¹³ the report indicates that Brazil occupies the fourth position among the countries with the highest number of videos removed, with 333,105 videos from October to December 2022. However, the report does not provide the option to filter the volume of removals by type of policy applied to the region. It should be noted that the reports do not contain specific information on the removal of electoral disinformation content or electoral integrity content, nor a filter that would allow us to know the volume of removals caused by these policies by region.

While some of these platforms make specific disclosures about the Brazilian electoral context in other publications on their institutional websites (such as Meta, TikTok, Google, and Kwai), this data is generally poorly contextualized, with no possibility of correlation with other information. For example, Meta has a specific section on its website about its actions related to the election, stating that the company recognizes the importance of local knowledge for the effectiveness of its work. However, most of the information on the site refers to the US electoral context.¹¹⁴ In their institutional material on their website about the measures taken in preparation for the Brazilian electoral context, they state that: "Removing content that violates our policies on voter suppression, such as posts that discourage people from voting, is among

113 Available at <https://transparencyreport.google.com/youtube-policy/removals?hl=pt_BR&total_channels_removed=period:2022Q3&lu=videos_by_country&channels_by_reason=period:2022Q3&content_by_flag=period:2022Q4;exclude_automated:all&videos_by_reason=period:2022Q4&videos_by_country=period:2023Q1;region:> Accessed on 08/13/2023.

114 Available at <https://about.meta.com/br/actions/preparing-for-elections-on-facebook/?utm_source=about.facebook.com&utm_medium=redirect> Accessed on 08/11/2023.

our many responses to potential interference in the electoral process.”¹¹⁵ Meanwhile, the term “voter suppression” clearly refers to the US electoral context, where voting is optional, and therefore, measures to remove content that discourages voting are relevant. In Brazil, on the contrary, voting is mandatory, so removing this type of content is less relevant. On the other hand, the company was the only one to prominently feature a publication on “2022 Brazilian Election by the Numbers”,¹¹⁶ with data and statistics on its operations.

In a Meta statement¹¹⁷ to this survey regarding its actions during the 2022 Brazilian elections, the company said it had “extensively prepared for the 2022 elections”. Among the measures they highlighted are “tools that promote reliable information and label election-related posts, establishing a direct channel for the Superior Electoral Court to send us potentially harmful content for review,” as well as an Elections Operations Center in Brazil, activated a few days before and after October 2 and October 30, as well as on the two voting days, “to identify potential threats on our platforms in real time, accelerating our response time.” According to the company, the actions mobilized experts in intelligence, data science, public policy, law, security, content moderation, and engineering. “This joint effort has accelerated our response time to potential threats [... and] resulted, among other actions, in the removal of content that violates our policies, the rejection of advertising on Facebook and Instagram that did not comply with transparency rules for political ads and also the updating of product solutions to facilitate people’s access to reliable information,” they stated.

In terms of numbers, Meta reports that by the first round of the election campaign, it had removed more than 310,000 pieces of content that violated its policies on violence and incitement on Facebook and Instagram. Another 290,000 pieces of content were removed over the same period for hate speech, as well as other content that violated Facebook and Instagram’s

115 Available at <<https://about.fb.com/br/news/2022/08/como-a-meta-esta-se-preparando-para-as-eleicoes-do-brasil-em-2022/>> Accessed on 09/15/2023.

116 Available at <<https://about.fb.com/br/wp-content/uploads/sites/11/2022/10/2022-BR-Post-Elections-Press-Handout-2.pdf>> Accessed on 08/15/2023.

117 The other platforms we were unable to contact chose not to respond or did not respond to our request for an interview or statement.

election interference policies, such as posts with incorrect election dates and times or incorrect candidate numbers.

In response to whether the current legislation has favored or hindered the company's actions in countering disinformation, Meta stated that private companies "should not make so many important decisions on their own and that the scope of rules that seek to regulate platforms should be well-defined, both in terms of the entities affected and the obligations created." This statement corroborates previous statements by the company's CEO, Mark Zuckerberg,¹¹⁸ calling for governments to expand internet regulations in four areas: harmful content, election transparency, privacy, and data portability.

Although Meta, Kwai, and TikTok have reported the number of content removals during the electoral period, the platforms' accountability and transparency cannot yet disclose this data in a more contextualized way, such as informing the percentage of this total content compared to the reported content and/or which specific policies served as the basis for the removals and in which periods or regions there were more removals, among other things.

As for Twitter, it's worth remembering that the platform has undergone several internal changes since billionaire Elon Musk took over the company's leadership in October 2022. In this context, it is noteworthy that the company had not provided transparency reports for 2022 with the regional filter applied to Brazil by the time this research was completed, given that the platform has been providing half-yearly transparency reports since 2012. It would be important to disclose this information about the 2022 election, even to assess, for example, the volume of removal requests by court orders, since, from the information currently available, it is possible to observe that there was a significant increase in the number of removal requests by the Brazilian courts in the second half of 2018, the period of the presidential election.

In relation to Kwai and TikTok, although both platforms have a specific policy aimed at electoral integrity, it is still unclear how these policies are applied.

118 Available at <<https://g1.globo.com/economia/tecnologia/noticia/2019/03/31/mark-zuckerberg-ceo-do-facebook-pede-mais-regulacao-na-internet.ghtml>> Accessed on 05/12/2023.

In addition, Kwai, Twitter and TikTok prohibit election ads, but do not have ad libraries to ensure that boosted content is monitored during elections.

Of the platforms' policies, it is striking that Telegram was the company that was least engaged in measures related to the elections and the fight against disinformation. Not only has the platform lacked adequate policies, but the company has taken an erratic path in its dialogue with the electoral justice in recent years, at times coming close to having its service suspended in the country. While the other platforms signed memorandums with the TSE, Telegram spent several months without even responding to the letters sent by the Electoral Court, which had been trying to approach the company since December 2021,¹¹⁹ when the first letter was sent to the company's CEO, Pavel Durov.¹²⁰ Since the platform does not have an office in Brazil, the then President of the TSE, Minister Luís Roberto Barroso, proposed to meet with a platform representative so that the company could collaborate within the PPED.

Due to the company's non-response after the submission of the fifth letter in March 2022,¹²¹ on March 17, 2022, in an unprecedented decision, Justice Alexandre de Moraes ordered the blockade of the platform in Brazil¹²² due to non-compliance with judicial decisions to block profiles related to Bolsonaro blogger Allan dos Santos, accused of spreading fake news. Based on the Civil Rights Framework for the Internet, Moraes argues that the Brazilian legal system requires companies that manage internet services in Brazil to comply

119 Available at <<https://www.tse.jus.br/comunicacao/noticias/2021/Dezembro/barroso-envia-oficio-ao-telegram-e-pede-cooperacao-no-combate-a-desinformacao>> Accessed on 05/15/2023.

120 Available at <https://www.tse.jus.br/++theme++justica_eleitoral/pdfjs/web/viewer.html?file=https://www.tse.jus.br/comunicacao/noticias/arquivos/oficio-tse-ao-telegram-para-cooperacao-no-combate-a-desinformacao-em-17-12-2021/@@download/file/TSE-oficio-barroso-telegram-programa-desinformacao.pdf> Accessed on 05/15/2023.

121 Available at <<https://www.tse.jus.br/comunicacao/noticias/2022/Marco/presidente-do-tse-envia-novo-oficio-para-diretor-executivo-do-servico-de-mensagens-telegram>> Accessed on 05/15/2023

122 Available at <<https://static.poder360.com.br/2022/03/22E9F20A438519D00020813B06D63C96.pdf>> Accessed on 05/15/2023.

with court orders requiring them to provide personal data or information that could help identify the user, which the company has failed to do.

Meanwhile, the decision to block the app has generated controversial opinions among experts. According to lawyer Flávia Lefèvre,¹²³ “Given the risks for democratic institutions of a platform that ignores judicial measures, as well as collaboration in initiatives to combat disinformation on the eve of the elections, and based on the Civil Rights Framework for the Internet, we would have justifiable and legitimate legal support for the blockade, albeit on an exceptional basis. As for Paulo Rená, the judicial blocking of the app in the country would be “an abusive and disproportionate measure, contrary to the jurisprudence of the Federal Supreme Court, and with serious repercussions for millions of people who have no direct connection to the spread of disinformation.”¹²⁴

The decision didn’t last long, as shortly after the blockade, Telegram’s CEO issued a statement saying there was a “communication failure” and that he would comply with the court’s demands.¹²⁵ In addition to making this statement and thus revoking the app’s block,¹²⁶ the company appointed a legal representative in Brazil and signed the PPED¹²⁷ adherence agreement and the memorandum with measures to collaborate in countering disinformation during the electoral period.¹²⁸

123 Available at <<https://www1.folha.uol.com.br/opiniaio/2022/03/a-justica-deve-proibir-o-telegram-no-brasil-sim.shtml>> Accessed on 05/15/2023.

124 Available at <<https://www1.folha.uol.com.br/opiniaio/2022/03/a-justica-deve-proibir-o-telegram-no-brasil-nao.shtml>> Accessed on 05/15/2023.

125 Available at <<https://www.nucleo.jor.br/curtas/2022-03-21-pontos-telegram-resposta-stf/>> Accessed on 05/15/2023.

126 Available at <<https://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/DecisaoTelegram20mar.pdf>> Accessed on 05/15/2023.

127 Available at <<https://www.tse.jus.br/comunicacao/noticias/2022/Marco/telegram-assina-adesao-ao-programa-de-enfrentamento-a-desinformacao-do-tse>> Accessed on 05/15/2023.

128 Available at <<https://www.justicaeleitoral.jus.br/desinformacao/arquivos/termos-de-cooperacao-plataformas-digitais/mou-telegram.pdf>> Accessed on 05/15/2023.

While in 2018, WhatsApp's closed architecture with encrypted messages worried the authorities in terms of disinformation, what became even more evident in 2022 is that the problem of disinformation is not limited to one platform or specific content but is a broad, multifaceted, and systemic issue. In this sense, a multi-platform ecosystem implies a fast-moving flow of (dis)information that is pulverized and capillarized in many directions, constantly challenging the slower rhythms of counter-strategies such as content moderation, fact-checking, and removal of content by court order. Therefore, in this ecosystem of multi-platform disinformation, it is necessary to expand efforts toward measures that involve a systemic and structural perspective on the entire ecosystem of actors, architectures, contents, and information flows involved in current communication practices.

As Yasmin Curzi points out, it is difficult to assess significant changes in the disinformation ecosystem from 2018 to 2022, as the platforms do not provide enough transparency regarding contextualized and relevant information to understand this system, such as the amount of content removed and which content was organic or boosted, among other things. In this sense, monitoring mechanisms by different civil society actors have become important strategies for protecting rights in reaction to the techno-political context of the last four years.

Even if the platforms have committed themselves to taking measures, improving their policies, disseminating reliable information, and engaging in dialogue with the electoral justice, the measures taken in agreement with the TSE show that the platforms are still not tackling the problem of disinformation in a systemic and structural way. Indeed, they appear timid in the face of the size and scope of the disinformation ecosystem observed.

Natália Leal says that, despite improvements compared to 2018, the platforms' performance is still insufficient, well below what it could be, and not adapted to the Brazilian reality. Leal comments, for example, that YouTube's policy mentions "voting by mail" and says nothing about the electronic ballot box, which suggests that this policy was not built for the country but was simply translated from English into Portuguese, which she considers highly harmful. This seems to be an extremely relevant point in various aspects of platform governance practices during elections and highlights a significant challenge for big tech companies, most of which are North American but operate globally.

When offering services globally, big techs need to adapt not only to local regulatory policies but also to local particularities related to information flows and the dynamics of online sociability. This means adapting their policies and investing in content moderation practices in each country that can, for example, address linguistic nuances in the spread of disinformation. In this sense, special attention to local techno-political contexts and policy adaptations for each region, and not simply a translation of US policies, are particularly relevant in the electoral period and even more so in the fight against disinformation. As we have seen, the tactics of the disinformation industry have become more professionalized, and Brazilian society has become more polarized, leading certain groups to create a specific grammar for political communication (CESARINO, 2022). Therefore, as a multifaceted phenomenon, disinformation requires constant attention to its multiplication of formats, discourses, and languages, which can often be specific to each context.

The way in which the far right, led by Bolsonaro, has operated in Brazil in recent years has demonstrated a constant effort of coordinated campaigning and political propaganda, mobilizing disinformation and the resources of different platforms. One of the main challenges in dealing with multi-platform disinformation is that the phenomenon is intrinsically linked to digital communication mechanisms but also to networked propaganda strategies. In the next section, we discuss the fine line between online propaganda and the phenomenon of disinformation, presenting studies and assessments from academics and civil society members in interviews about the multi-platform ecosystem and disinformation flows during the 2022 election.

b. The thin line between advertising and disinformation

In this dynamic of multi-platform communication, information- including false information- circulates simultaneously in different environments and formats, and disseminates spontaneously and coordinatedly. On the one hand, the disinformation ecosystem involves a centralized and coordinated industry (MELLO, 2020) that finances, produces, and disseminates false information on various platforms. On the other hand, disinformation flows also rely on the spontaneous, multi-platform dissemination by ordinary users who contribute to the viralization of certain content.

The coexistence of more and less coordinated strategies on these platforms is partly related to their business model, which is based on the capitalization of users' attention (BENTES, 2021; 2022) and advertising (SRNICEK, 2017). This economic model favors the circulation of harmful content through algorithmic systems, as these tend to amplify user engagement. Even though most platforms have policies to prevent the spread of false content, as we saw in the previous section, disinformation becomes part of platforms' profits, even if indirectly. At the same time, disinformation results from malicious actors' use of platforms' infrastructure to implement political propaganda strategies. Thus, different actors, practices, and services use data, automated mechanisms, and platform infrastructures to influence voters' perceptions, opinions, and voting choices. In this industry of political influence (TACTICAL TECH, 2019), legal and illegal forms of propaganda exploit the possibilities of this multi-platform ecosystem, as we saw in the 2018 elections.

Therefore, it is important to emphasize that the platforms' architecture and all they enable are crucial in setting limits to this instrumentalization. In addition to technical resources, their policies and how they are applied (whether they are efficient or not) are decisive factors in the circulation of harmful content such as disinformation. As this illicit influence industry learns and adapts, platforms must continually improve their features and policies to mitigate new ways to use their infrastructure for illegal and unethical practices.

As Marie Santini and Letitia Cesarino point out, one of the most apparent innovations in 2022 compared to previous elections was the greater professionalism of the actors using disinformation as a political strategy. According to Santini, there are various methods aimed at increasing the circulation of all types of content on social media: marketing tools for segmentation, techniques for manipulating algorithms, and the purchase of strategic keywords, among others. Santini explains that, among the indicators of this professionalization, NetLab/UFRJ was able to detect, for example, a seasonal pattern of activity on social media, with peaks in the volume of content during the week on working days, as well as more coordinated and orchestrated mobilization techniques with actions by influencers that force certain content to go viral.

In an interview, Letícia Cesarino said that the monitoring of almost 700 Telegram groups and channels linked to the far right¹²⁹ revealed some new trends after the entry of platforms such as TikTok and Kwai. She explains that the dynamics of disinformation in Brazil have most of the links circulating on Telegram coming from YouTube, which reveals a sort of feedback between the two platforms. They also observed a strong presence of videos from TikTok and Kwai during the 2022 elections. The particularity here is that the audiovisual content did not come from external links, but as video files containing the logo of the platform of origin. This makes it even more challenging to monitor the origin of false content, since there is no information about the profile from which it originated, complicating the reporting and moderation processes.

In Brazil, the systematic use of disinformation is undoubtedly a hallmark of Bolsonarism (CESARINO, 2022; NUNES, 2021). The Brazilian far-right has not only professionalized its political communication methods, it has also consolidated a very active and engaged support base. Still in 2018, experts saw Bolsonaro's victory as the result of years of slow, thorough work building up his digital support base¹³⁰ in an ecosystem that involved open and closed WhatsApp groups, Telegram and YouTube channels, websites, podcasts, training courses, subscription groups and newsletters. By 2022, four years into his administration, his supporters' networks, speeches, tactics, and political communication strategies were already well consolidated, capillarized, and sophisticated as a result of the lessons he had learned.

In an electoral context governed by the principle of equal opportunities, this systematic use of disinformation by one side of the political spectrum poses a challenge to the authorities and other institutions trying to deal with the phenomenon. When we asked Natália Leal, CEO of Agência Lupa, about the

129 This monitoring is carried out by his research group at UFSC in partnership with the Digital Humanities Laboratory at UFBA. Available at <<https://www.labhd.ufba.br/>> Accessed on 05/09/2023

130 Episode 4 of the documentary podcast Retrato Narrador, an original series from Spotify and Piauí magazine, tells how this media construction of the "myth", as Bolsonaro's supporters usually call him, involved a long and dedicated trajectory of investment in the politician's social media. See more at <<https://piaui.folha.uol.com.br/radio-piaui/retrato-narrado/>> Accessed on 05/09/2023.

criteria used to select the content that the agency would check and verify, she explained that initially, they were very strict about checking, for example, the same number of phrases in the speeches of politicians from different ideological backgrounds, maintaining a balance between false and true phrases. However, she says that since 2018, they have realized that trying to maintain a balance that doesn't exist could end up creating a distorted view of reality. She reinforces that, in an electoral context, Lupa tries to check all candidates from all political spectrums. However, the difference is that, on the right, they find much more content that can be verified according to the agency's methodology than on the left. The agency has not given up on balancing the checks but has accepted the unbalanced reality as it is, and what it does is reflect that unbalanced reality according to the criteria of transparency and independence. Leal also points out that despite the systematic use of disinformation by the right, this doesn't mean that the left doesn't lie, but what the agency is trying to do is less a balancing of the political spectrums than a portrait of reality.

Bolsonaro's well-consolidated, multi-platform digital communication network was one of the factors that helped keep his supporters highly engaged throughout his term in office. The systematic repetition of strategies and tactics for articulating, mobilizing, and engaging this anti-structural Bolsonaro audience (CESARINO, 2022) over four years in office, with a pandemic and a negationist administration in the middle, helped to develop and refine the digital influence techniques (BENTES, 2022) of this audience, which became increasingly detached from everyday reality. Faced with the constant surveillance of the judiciary, especially the Electoral Court, but also the moderation practices of the platforms, they acquired the expertise to circumvent the rules and sanctions, for example, by using encrypted messages, constantly changing group names, and deleting compromising content, among others. In their communication bubbles,

Bolsonaro supporters became radicalized and began to refute any element that could cause cognitive dissonance, or that was not consistent with their confirmation biases.¹³¹

The professionalization of Bolsonaro's digital networks involves Bolsonaro himself, as well as political partners, government officials, digital influencers, citizen social media users, and, eventually, less visible actors who perform illicit services. As mentioned in the previous chapter, some of these illicit services include selling voters' personal databases and mass messaging. According to Pedro Saliba, when he and the Data Privacy Brasil Research team set up the "Elections, disinformation and violation of data" project, one of the research hypotheses was that mass messaging strategies would probably be repeated in the 2022 elections. However, the hypothesis was thwarted, he says, because even though there were some cases - he describes at least five that they managed to map - this strategy was not used as much as in the 2018 elections.

In the documentary series *Extremistas.br*, produced by the Globoplay platform,¹³² we see some layers of the political influence industry with illicit strategies. One example is a "political marketer operator" whose job is to create fake content and send it out on social media.¹³³ Anonymously, the professional admits that his job is to "create unease among voters"

131 According to psychologist Leon Festinger's theory, cognitive dissonance shows a human tendency to try to be coherent and consistent with one's own beliefs and attitudes. Therefore, the existence of dissonance, i.e. certain inconsistencies in people's opinions or attitudes, is psychologically uncomfortable for them and produces a certain mental imbalance. Based on this, studies on fake news show that people tend to selectively consume information, better accepting that which is in line with their pre-existing beliefs, values, opinions and attitudes (BRUNO; ROQUE, 2019). Confirmation bias is the tendency to gather evidence that confirms our pre-existing expectations, while discarding evidence that contradicts our opinions.

132 Available at <<https://globoplay.globo.com/extremistasbr/t/tw5cxmthnm/>> Accessed on 05/10/2023.

133 See also the episode "Narradores não confiáveis" (Unreliable narrators) of the Radio Novelo Presents Podcast, in which the same political marketer is interviewed. Available at <<https://radionovelo.com.br/originais/apresenta/narradores-nao-confiaveis/>> Accessed on 05/10/2023.

to diminish the real debate and cause indignation. He explains that as a political communication technique, he used a false discourse about the electronic ballot box, which he thought would cause much indignation among the lay public, and then sent it out via WhatsApp, achieving around 1 million messages every half an hour. He also says that mass messaging is not the real issue; instead, it is how they obtain lists of personal data, including name, telephone number, ID, CPF, etc. In the episode “Narradores não confiáveis” (Unreliable narrators) from the podcast Rádio Novelo Apresenta, the same political marketer explains more about how the fake news he creates is used to generate confusion and doubt not to favor a candidate but to make negative propaganda about his opponents, which is forbidden by electoral law.

Lorena Regattieri, Senior Fellow in Trustworthy AI at the Mozilla Foundation, emphasizes that campaigns have already understood that distributing content and disinformation is a central point in today’s digital political communication. This opens up space for new types of professionals capable of handling digital tools and techniques, such as design issues, running tests, and even managing communities on different platforms. In other words, they are often professionals who perform micro-tasks to instrumentalize and professionalize mechanisms already available for political campaigns and disinformation. As we have seen, this multi-platform, multi-faceted ecosystem with different types of actors defined the conditions for networked political propaganda strategies on the internet during the 2022 elections. This underscores the importance of decisive action by platforms to implement and improve their policies during the electoral period.

In the interviews, an almost unanimous assessment of the platforms’ performance by different experts was the inadequacy of their measures and policies to counter disinformation, hate speech, and other election violations. Although most of them acknowledge that they were much more active in 2022 than in 2018, the measures taken were still inefficient given the scale and rapid flow of (dis)information, with gaps in content moderation practices, transparency tools, and boosting mechanisms, which opened loopholes for non-compliance with electoral legislation.

According to Marie Santini’s report on NetLab/UFRJ’s network monitoring work during the elections, the hallmark of the 2022 elections was “the ad party, the publicity party, and the boosting party.” She emphasizes that the

campaigns used all the advertising strategies available on the platforms, segmenting by geolocation and age but also boosting disinformative and illegal content. As she points out, unlike the Cambridge Analytica case in the US, which involved the illegal use of user's data, in this case, the campaigns used the platforms' own boosting tools, in which segmentation techniques had already been practiced through A/B tests¹³⁴ well before the election period in trial and error strategies, so that during the elections they could "turn on the tap to do it on a large scale," already knowing who, when, where and how to influence the public.

Even if micro-segmentation is carried out with legitimate tools, it should be considered, especially in the electoral process, that "micro-targeting techniques have the potential to fragment the political debate, to exclude populations from it and even to undermine the autonomy of the will invisibly and unexpectedly" (BRITO CRUZ, 2020, p. 377). Regarding the promotion of disinformation, Santini says that in 2022, it wasn't as explicit as in 2018 since the campaigns acted more intelligently and less cartoonishly. The reason is that in 2022, there wasn't a lie as absurd as in 2018, and because the authorities had a closer eye on monitoring digital campaigns. Thus, the strategies to promote fake content and others in the gray area between legal and illegal did not involve the official profiles of the presidential candidates or their parties but rather the profiles of small politicians and small parties that, when announcing their campaigns, ended up favoring former president Bolsonaro.

One of the reports published by NetLab/UFRJ during the elections¹³⁵ showed that on October 2, the day of the first round of voting, candidates placed political advertisements in the Meta and Google libraries, which is

134 A/B testing involves carrying out controlled experiments in which users are randomly divided into two or more groups of variations of a product or functionality to be tested (YOUNG, 2014). These techniques are used in online marketing and advertising strategies, using the platforms' ad infrastructure.

135 Available at <<https://netlab.eco.ufrj.br/post/irregularidades-da-propaganda-pol%C3%ADtica-online-no-dia-da-vota%C3%A7%C3%A3o-do-primeiro-turno-nas-elei%C3%A7%C3%B5es-2022>> Accessed on 05/11/2023.

prohibited by electoral law.¹³⁶ The monitoring also revealed that the boosted content on Facebook and Instagram encouraged parallel vote counting, attacked the TSE and the STF, called for military intervention, and contained disinformation.¹³⁷ On Google, they found 204 ads on 97 advertisers' pages on the election day, and "those who promoted the most ads were candidates for federal deputy, followed by candidates for state deputy, governor, and senator" (NETLAB, 2022c, p.7). In addition, the report highlights that Google's transparency tools¹³⁸ presented unstable and incomplete data, as well as failures to categorize political advertising as sensitive. As for Facebook and Instagram, they identified several flaws in the ads' automatic categorization. Since not all political advertising was identified as sensitive, it was difficult to be clear about the categorization criteria. Thus, by showing inefficiency in their ad classification and moderation mechanisms, it is clear that the platforms end up depending, to a large extent, on the cooperation of advertisers to comply with their policies proactively.

Of all the platforms that allow boosting, only Facebook, Instagram,¹³⁹ Google, and YouTube¹⁴⁰ allow electoral advertising. These platforms require registration and authorization to run this type of advertisement. On Meta platforms,

136 According to Art. 87, item IV of Resolution 23.610/2019, on election day it is an electoral crime to "publish new content or boost content on the internet applications referred to in Art. 57-B of Law No. 9.504/1997, and previously published applications and content may continue to operate."

137 Among the examples cited in the report is a video boosted by federal deputy candidate Neemias Muniz of Bolsonaro reading a fake news story saying that the TSE was considering banning the wearing of Brazil shirts on election day, broadcast on September 30 until October 2, reaching between 500,000 and 1 million people. Available at <https://facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=BR&id=655256252555634&view_all_page_id=325796454634918&search_type=page&media_type=all> Accessed on 05/11/2023.

138 Available at <<https://www.netlab.eco.ufrj.br/blog/irregularidades-e-opacidade-nos-anuncios-do-google>> Accessed on 05/11/2023.

139 Available at <<https://www.facebook.com/business/help/208949576550051?id=288762101909005>> Accessed on 09/22/2023.

140 Available at <<https://support.google.com/adspolicy/answer/10970050?hl=pt-BR#zippy=%2Cverifica%C3%A7%C3%A3o-para-organiza%C3%A7%C3%B5es>> Accessed on 09/22/2023.

advertisers must label the ad as “social, electoral or political,” and it must include a legal disclaimer with the name and entity that paid for it; if it does not meet these requirements, the ad may be suspended.¹⁴¹ On Google platforms, in addition to the authorization, it is mandatory to check the electoral propaganda, and it must include a statement informing who paid for the ad, which automatically generates a “paid for by” statement attached to it.¹⁴² Google also restricts segmentation criteria for electoral ads, allowing segmentation only by geographic location, age and gender, and contextual segmentation. Despite this, the NetLab/UFRJ research found that both platforms allowed political ads to run outside the period set by electoral regulations. In addition to ads running during an irregular period, there were also ads from the far right with disinformation about the vote. Moreover, their ad libraries’ transparency mechanisms proved incomplete, inconsistent, and unstable to external scrutiny, which opened the door to malicious agents violating electoral rules and threatening the integrity of the democratic process and the principles of electoral justice.

According to Nina Santos, coordinator of *desinformante,¹⁴³ the intense disinformation actions just before voting day take advantage of communication gaps. This is because various forms of political propaganda are banned from the day before the vote, such as free political time, rallies, and others. Therefore, just before the vote, this period ends up acting as a window of opportunity for malicious actors. Santos says this can be easily seen by looking at the ad libraries of both Meta and Google, which show an exponential increase in expenditure in the days before each round. This is worrying not only because it is an electoral irregularity but also because a significant proportion of the population is making their vote on short notice.¹⁴⁴

141 Available at <[facebook.com/business/help/167836590566506?id=288762101909005](https://www.facebook.com/business/help/167836590566506?id=288762101909005)> Accessed on 09/22/2023.

142 Available at <<https://support.google.com/adspolicy/answer/6014595?sjid=14667661450877668257-SA#701>> Accessed on 09/22/2023.

143 The *desinformante is an initiative that aims to produce reliable information on disinformation, as well as creating spaces for articulation between various social actors engaged in building a democratic digital space. Available at <<https://desinformante.com.br/sobre-2/>> Accessed on 10/06/2023.

144 See <<https://g1.globo.com/politica/eleicoes/2018/eleicao-em-numeros/noticia/2018/10/10/12-dos-eleitores-decidiram-o-voto-para-presidente-no-dia-da-eleicao-diz-datafolha.ghtml>> Accessed on 09/22/2023.

Aware of this phenomenon, the TSE included in Resolution 23.714 a ban on the paid dissemination of electoral propaganda on the internet from forty-eight hours before to twenty-four hours after the election. As Brito Cruz explains, this measure is aimed at filling gaps in previous resolutions that left room for boosting in the days before the vote but which remained active on the day of the vote itself. Samara Castro clarifies that this was a confusing issue since the banning deadlines for boosting differed from those for other types of advertising.

According to *PubliElectoral Eleições 2022 Brasil*,¹⁴⁵ a study focused on the presidential campaign, “in the first round, 171 of the 375 monitored accounts ran a paid ad in the Facebook Ads Library during the election period. In the second round, this number dropped to 10”. Sabrina Almeida, one of the authors, points out that in the case of Bolsonaro’s campaign, the main driver of campaign content was the profile of his party, the Liberal Party (PL). In the case of Lula’s campaign, most of the boosts were made through the candidate’s profile, showing the campaign’s different strategies when allocating public resources for advertising. In terms of respect for the electoral law, the data collected shows that in the first round, before the resolution of October 20, 2022, there was much more content disrespecting the rules of electoral propaganda than in the second round, carried out by the candidates’ own accounts.

In an exploratory search of Facebook’s Ad Library Report¹⁴⁶ on November 8, 2022, we selected ten candidate and political content accounts that were among the 20 profiles with high expenditures in the last 30 days¹⁴⁷ (October 7 to November 5, 2022), covering much of the second round and a few days after the end of the election. Nine of the ten accounts were party or

145 Available at <<https://adc.org.ar/informes/publielectoral-elecciones-brasil-2022-portugues/>> Accessed on 11/05/2023.

146 Available at <https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=BR&media_type=all> Accessed on 11/08/2023.

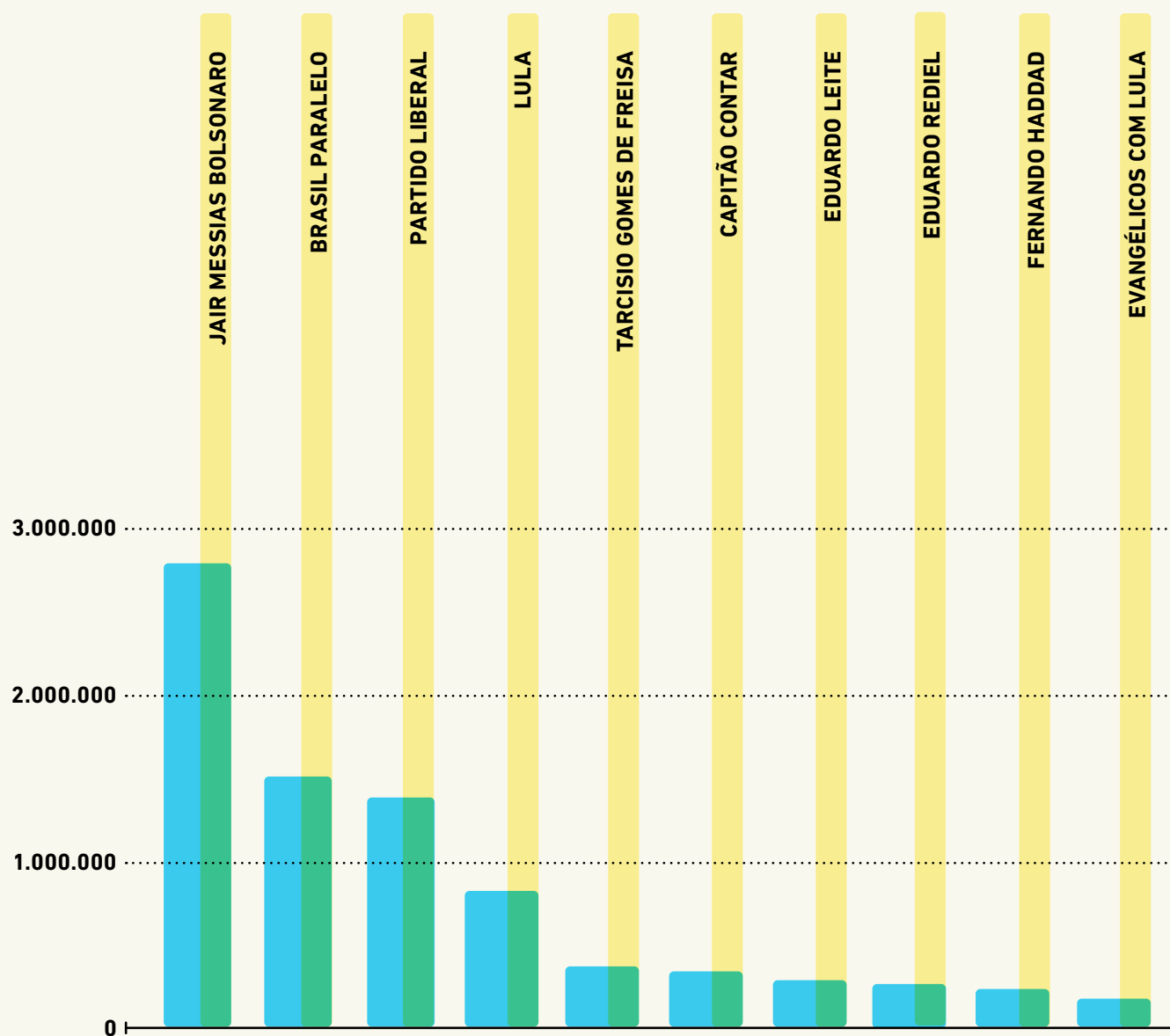
147 It is worth noting that the Facebook Ads Library search engine is quite limited in terms of date ranges, as it only allows 5 types of spending filters: 1. last day; 2. last 7 days; 3. last 30 days; 4. last 90 days; 5. all dates. It is therefore not possible to collect more refined data in terms of period and is subject to the information available on the date of your search.

candidate profiles. The only exception we kept was the Brasil Paralelo¹⁴⁸ account, as it is a production company and streaming platform that promotes right-wing and extreme right-wing content, historical revisionism, and attacks on left-wing agendas,¹⁴⁹ whose political content favors, even if indirectly, Bolsonaro narratives and is one of the accounts that most spend on boosting on the platform in the country.

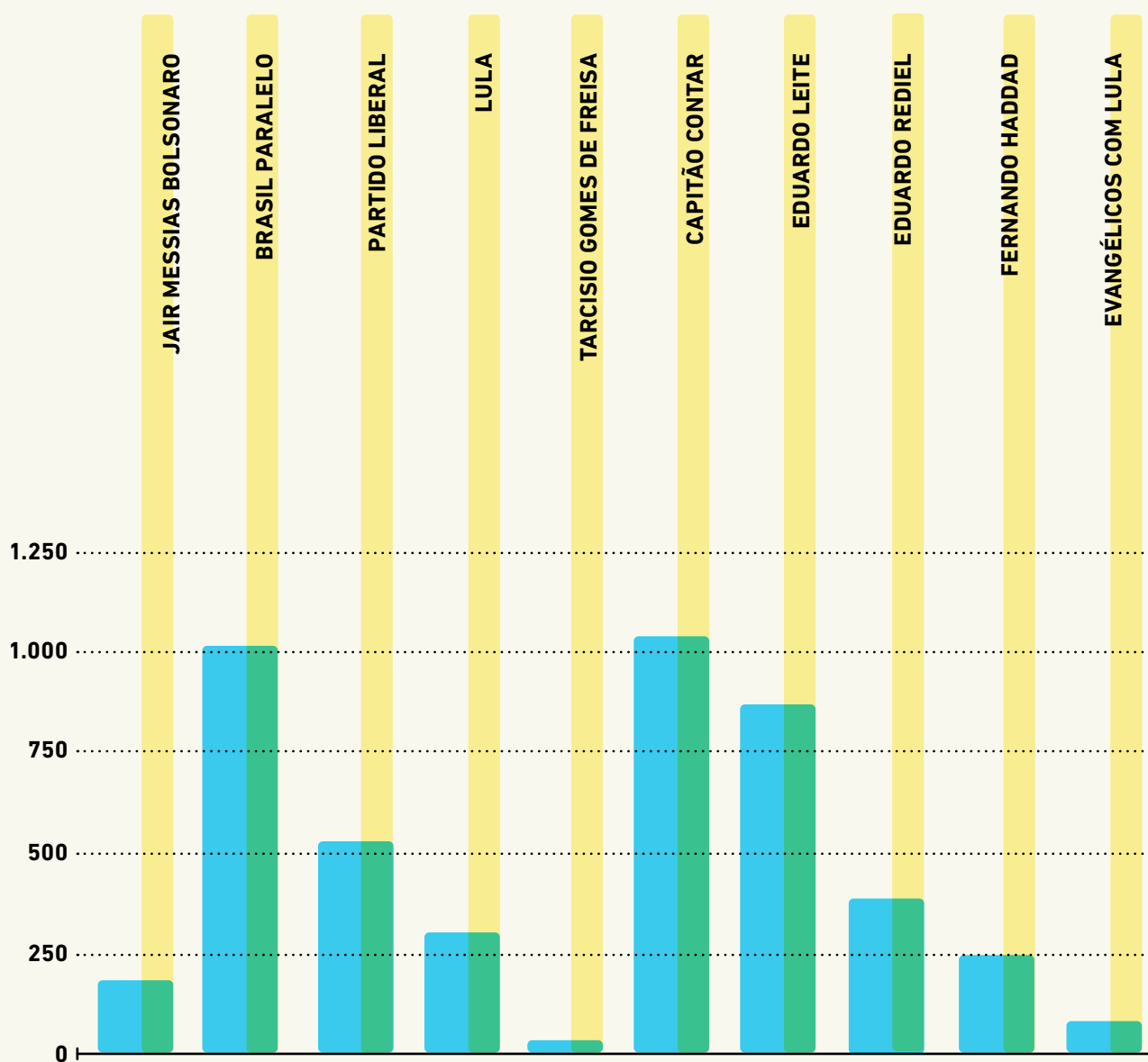
Graph 2, shows the relationship between the amounts spent by each of these accounts during this period, revealing that Bolsonaro's profile was the account that spent the most on boosts on the platform, totaling R\$2,787,705 on 188 content pieces. Close behind were the accounts of Brasil Paralelo and Bolsonaro's party (PL), with R\$1,522,590 spent on 1,016 pieces of content and R\$1,389,090 on 536 pieces of content, respectively, demonstrating that the three accounts with the highest expenditure on boosting were in favor of Bolsonaro's campaign. **Graph 3** complements this with the number of ads linked per account, showing that Bolsonaro's account invested a larger amount in a smaller variety of content than Lula's and even his own party, the PL. What is striking is the disparity in the amounts invested when considering only the two main candidates. Although this is related to other factors involved in campaign financing, it indicates that Bolsonaro and his party were very aware of the potential of boosting advertising on these platforms. The Brasil Paralelo profile, on the other hand, invested a high amount not only in advertising but also in a variety of boosted content.

148 Available at <https://www.brasilparalelo.com.br/sobre?utm_medium=home> Accessed on 05/12/2023.

149 See more at <<https://www.intercept.com.br/2022/05/19/brasil-paralelo-entrevista-historiadora-leandro-ruschel/>> Accessed on 09/12/2023.



Graph 2 - Amount spent by accounts running political ads on Meta
Source: Elaborated by the author based on data from the Meta Ads Library
between October 7 and November 5, 2022.



Graph 3 - No. of ads by accounts that run political ads on Meta
Source: Elaborated by the author based on data from the Meta Ads Library
between October 7 and November 5, 2022.

It is worth noting that we did not analyze individually boosted content. Therefore, it was not possible to verify whether disinformation content was boosted in these cases. Also, this was a campaign period in which parties and candidates are expected to invest in advertising and, as we have seen, boosting content on Facebook, Instagram, Google, and YouTube was foreseen as a lawful practice in the TSE resolutions. To assess the platforms' ability to contain illegal electoral rules in their boosting mechanisms, an experiment conducted by Global Witness¹⁵⁰ and NetLab/UFRJ monitoring showed that Meta's ad system enabled boosted content that called electoral integrity¹⁵¹ into question. Once these flaws were identified, the company had to change its policy¹⁵² and classify this type of content as disinformation. However, according to a report by NetLab/UFRJ,¹⁵³ even after this change, Bolsonaro's supporters, primarily candidates, continued to attack electoral integrity, the electronic ballot box, the defense of the printed vote, and the delegitimization of the STF and TSE.

The above data and studies show that curbing the dissemination of disinformation includes efforts to monitor and control propaganda systems. The use of the platforms' advertising infrastructure to disseminate false information can have an impact not only in quantitative terms, i.e., reaching a larger number of people, but also in qualitative terms, enabling segmented communication and reaching groups that are more likely to believe or disseminate certain content. In this sense, to understand the phenomenon of disinformation, we need to look at the digital platforms' advertising ecosystem and their automated content promotion mechanisms.

150 Available at <<https://www.globalwitness.org/en/campaigns/digital-threats/facebook-fails-tackle-election-disinformation-ads-ahead-tense-brazilian-election/>> Accessed on 05/12/2023.

151 Available at <<https://oglobo.globo.com/blogs/sonar-a-escuta-das-redes/post/2022/08/brecha-nas-redes-abre-caminho-para-que-candidatos-financiem-anuncios-com-fake-news-e-ataques-as-urnas.ghtml>> Accessed on 05/12/2023.

152 Available at <<https://about.fb.com/br/news/2022/08/como-a-meta-esta-se-preparando-para-as-eleicoes-do-brasil-em-2022/>> Accessed on 05/12/2023.

153 Available at <<https://www.netlab.eco.ufrj.br/blog/meta-ads-voto-impresso-e-ataques-a-integridade-eleitoral>> Accessed on 05/12/2023.

The platforms' proactive role in countering disinformation and cooperating with the electoral justice system in 2022 was, in part, the result of organized pressure from civil society. As we will see in the next topic, the articulation of civil society actors and entities in diagnosing and demanding action by the platforms was a hallmark of the fight against disinformation in the 2022 election.

c. The pressure of organized civil society

As Sabrina Almeida commented, the great novelty of these elections was that disinformation was no longer a novelty but a premise in political disputes. This meant greater preparation not only from the Electoral Justice and platforms but also from civil society. The hallmark of the 2022 elections was undoubtedly an increasingly attentive civil society, organized and articulated in the fight against disinformation, faced with the threats to democracy posed by Bolsonaro's latent authoritarianism.

As seen throughout this report, various groups in academia and the third sector ran real-time research during the elections, focusing on multiple aspects and using different methodologies. Examples include the monitoring of TSE rulings by the Elections Disinformation Observatory of FGV Direito SP; of multi-platform public debate, carried out by NetLab/UFRJ and the Dapp Lab of FGV ECMI in the "Democracy Room"¹⁵⁴ project; the monitoring of Telegram groups conducted by UFSC and UFBA's Digital Humanities Laboratory; of WhatsApp and Telegram groups by UFMG's "Eleições sem fake"¹⁵⁵ project; the data collection and analysis by the 2022 Elections Observatory by the Institute of Democracy and Democratization of Communication (INCT IDDC);¹⁵⁶ the Political Violence Observatory, from InternetLab, AzMina Magazine and the Journalism Center; the studies on YouTube by the "Viu Política" project and the dissemination of reliable

154 Available at <<https://democraciadigital.dapp.fgv.br/>> Accessed on 05/12/2023.

155 Available at <<https://dcc.ufmg.br/category/eleicoes-sem-fake/>> Accessed on 05/12/2023.

156 Available at <<https://observatoriodaseleicoes.com.br/quem-somos-2/#apresentacao>> Accessed on 05/12/2023.

information by Vero Institute's "Fake Dói"¹⁵⁷ and "Confirma" initiatives; the "Elections, Disinformation and Violation of Data" project by Data Privacy Brasil; the production of reliable information on disinformation by *desinformante, among various other individual and collective research and production of informative content on elections in the digital rights debate.

In addition to these specific projects, an initiative that had a significant impact during the elections was the "Articulation Room Against Disinformation" (SAD),¹⁵⁸ which brought together more than 100 civil society organizations to discuss digital rights and demand platforms to take effective measures against disinformation. The initiative included organizations focused on digital rights, environmental defense groups, professional associations on communication and journalism, racial justice and human rights organizations, and others. Three documents with assessments and recommendations¹⁵⁹ for platforms emerged from their mobilizations: the first was launched before the electoral period, the second during the elections, and the third after they were over.

The first document,¹⁶⁰ released before the election period began, contained general recommendations on electoral integrity, transparency and equality rules, measures to combat political violence against minorities and counter climate disinformation, and rules to guarantee users' rights on digital platforms. One of the recommendations was to include the protection of election integrity as a value reflected in the platforms' content moderation policies and terms of use, which should be clear, understandable, and precise, include examples of application, and be easy to access. The

157 Available at <<https://www.vero.org.br/projetos/viu-politica>> ; <<https://www.vero.org.br/projetos/fake-doi>> ; <<https://www.vero.org.br/projetos/confirma>> Accessed on 05/12/2023.

158 Available at <<https://epocanegocios.globo.com/tecnologia/noticia/2023/04/100-entidades-defendem-pl-das-fake-news-e-cobram-criacao-de-orgao-fiscalizador.ghtml>> Accessed on 05/12/2023.

159 Available at <<https://sleepinggiantbrasil.com/democracia-pede-socorro/>> Accessed on 05/12/2023.

160 Available at <https://www.oc.eco.br/wp-content/uploads/2022/07/Papel_das_plataformas_na_protec%C7%A7%C3%83o_da_integridade_eleitoral_-_doc_sociedade_civil.pdf> Accessed on 05/12/2023.

organizations also stressed the importance for the platforms to ensure that their policies are adapted to the Brazilian context, with protocols for possible institutional crisis management, as well as a ban on publishing or promoting content with unfounded allegations of fraud, direct attacks on the electoral integrity, and direct or indirect questioning of the electoral results. In addition, they warned that identical content to that already removed by order of the Electoral Court should be subject to similar moratorium measures if the context is the same. Other recommendations are that there should be no exception for publications by political actors regarding policies against disinformation and that possible measures, such as a ban on political advertising the day after the vote, should be provided in the event of an institutional crisis.

After the release of the first document, Facebook/Instagram, Google, and WhatsApp adjusted their policies in line with the recommendations. Facebook/Instagram, for example, began banning political ads questioning the legitimacy of the Brazilian elections, based on the Global Witness experiment mentioned above, which found a 100% failure rate in the filtering process of boosted posts that violated the platform's rules. Meta's platforms have also expanded the thematic scope of content considered sensitive in the ad library, as provided for in the US. Following the recommendation of the Federal Public Prosecutor's Office (MPF) in São Paulo, WhatsApp postponed the launch of a new tool called Communities, which would allow users to add multiple groups in a shared space.¹⁶¹ Meanwhile, Google announced broadening its ad library to include advertising for state offices.

The second document,¹⁶² published in the middle of the election period, takes stock of the platforms' policies on electoral integrity and ad libraries, highlighting their positive and negative aspects. The most significant finding was that, except for Twitter, none of the platforms had a "policy to prevent calls for insurrection against the democratic order or interference in the peaceful transfer of power that do not explicitly call for violence" (p.2), a worrying point in the context of a potential institutional crisis during

161 Available at <<https://g1.globo.com/tecnologia/noticia/2022/08/26/whatsapp-diz-que-ferramenta-comunidades-nao-ira-comecar-antes-de-2023-no-brasil.ghtml>> Accessed on 09/28/2023.

162 Available at <<https://www.abraji.org.br/publicacoes/o-papel-das-plataformas-digitais-na-protecao-da-integridade-eleitoral-em-2022-balanco-1>> Accessed on 05/12/2023.

or shortly after the elections. According to SAD, TSE's measures in the MoU were "limited and clearly insufficient to restrict disinformation in the electoral process" (p.3). The group also pointed out that Telegram had not demonstrated an effective commitment to countering disinformation and attacks on democracy, with no specific policy on civic or electoral integrity or countering disinformation. Considered the most problematic platform, it was the only one that did not incorporate the measures agreed in the memorandum of understanding with TSE into its policies and was unwilling to engage in effective dialogue with the document's signatories.

In January 2023, SAD published the third document with a second assessment of critical points on each platform and urgent demands for change to advance the fight against disinformation. One of these points is that although platforms had implemented electoral integrity policies, they were still limited, poorly descriptive and had no regard for local context, ignoring, for example, content that calls for military intervention, the abolition of the rule of law and the closure of public institutions, which circulated during and after the elections. Another criticism is that there needs to be more effort to work together in curbing multi-platform disinformation campaigns since this problem cuts across the entire ecosystem, not just specific platforms.

Based on interviews held with at least five professionals who participated more or less actively in the SAD, we can conclude that, despite the challenges of mobilizing large heterogeneous groups, this initiative proved to be critical to confront disinformation and demand that platforms guarantee digital rights. However, despite the progress made, there are still difficulties in the direct dialogue with the platforms. Even when willing to participate in discussions with academic and civil society organizations, they often do so in a protocol way, making it difficult to move forward on more profound and complex issues.

Relevant coalitions for combating disinformation in the electoral context also include the alliance of fact-checking agencies and traditional media outlets, both among themselves and with the TSE and the platforms. One example is the "Comprova" Project, created by First Draft with the collaboration of Abraji, Projo, Google News Initiative, and Meta Journalism Project, which has 41 media outlets collaborating to "identify and weaken the

sophisticated techniques of manipulation and dissemination of misleading content that we see emerging on hyper-partisan websites, messaging apps, and social media”.¹⁶³ As we have already seen, another important initiative was the TSE’s Fact or Rumor page, which brought together fact checks from different media outlets on fake news in the electoral process.

Natália Leal emphasizes that the most critical learning from these elections was the collaboration and joint work with researchers, universities, groups that use monitoring tools, and even with other fact-checkers. She says these alliances, partnerships, and coalition moments were crucial for Lupa’s work and will continue into the organization’s future. She considers it necessary in Latin America to evaluate how the traditional press and large media outlets can contribute, directly or indirectly, to information disorder when adopting certain narratives to generate more clicks. In her opinion, this requires a great deal of care. Given the complexity of disinformation, she adds that education is the only real remedy since it also deals with shaping new media consumers in the generations to come.

There has been considerable effort and commitment from different actors in the judiciary, academia, civil society and the platforms themselves to address the complex phenomenon of disinformation. However, as a multifaceted socio-technical problem, it has not been possible yet to avoid the production and circulation of disinformation altogether. The case of the 2022 Brazilian elections, meanwhile, brings a diverse overview of the challenges and lessons we can draw from countering disinformation, especially in the context of Latin American and Global South countries.

The Brazilian case provides some insight into the platform regulation debate, which is growing in the country and globally and is becoming more urgent in the face of electoral challenges. The platforms’ aggressive resistance to the regulatory process, demonstrated months after the 2022 elections,¹⁶⁴ reveals their political and economic power and reinforces the importance and urgency of moving forward with this legislation.

163 Available at <<https://projetoacomprova.com.br/about/>> Accessed on 05/13/2023

164 Available at <<https://nucleo.jor.br/curtas/2023-04-25-big-techs-reagem-avanco-debate-pl-fake-news/>> Accessed on 05/20/2023.

According to Flora Rebello, a specialist in disinformation and social media regulation, human rights, and business, the most important lesson from these elections is the need for regulation, along with a legal body that systematically regulates the platforms, given the severe events that took place before, during and after this period. Rebello reinforces that, considering Brazil's pivotal role in the Global South's geopolitics, the country has the opportunity to lead the process of regulating big techs, which would have an immense impact on the region. We already have the European example, which, she argues, shouldn't just be copied and translated, but allows us to extract its best lessons and adapt to the local Brazilian context. For Nina Santos, we need a solid regulatory system involving all three branches of government and creating a regulatory body to confront disinformation.

Since elections are a crucial moment in a democracy, the conditions, dynamics and contexts in which they take place should be seen as a matter of necessary reflection on the present and future of societies. Brazil's socio-technical and techno-political context has highlighted problems and gaps that need to be addressed to guarantee rights and prevent abuses of power. Throughout this report, we have tried to show how addressing the complex issue of disinformation is an essential step in this process. To conclude this report, we gather some main reflections on the Brazilian techno-political context of the 2022 elections in the next topic.

5. Conclusions

On October 30, 2022, the most polarized election since Brazil's re-democratization ended with the victory of former President Luiz Inácio Lula da Silva (PT) and the consequent defeat of then-President Jair Bolsonaro (PL) by a margin of just over 2 million votes. It has been an arduous and costly process for Brazilian democracy, and it has revealed several challenges in the fight against disinformation that will remain for us and other democracies in the years to come. Brazilians were facing the possibility of radicalization and deepening of an authoritarian government that was already showing clear signs of its intention to move in this direction, and the elections were taking place after a period of strengthening and professionalization of the disinformation industry in the country.

Long before the elections, Bolsonaro and his supporters had built up the narrative of possible electoral fraud in case he didn't win. Yet, he used all his political weapons to win the elections. Road blockings and campings in front of military barracks by Bolsonaro supporters calling for military intervention, followed by the invasions and acts of vandalism against the Republic's property on January 8, shortly after the result, made it clear that the defeat at the ballot box was not necessarily the end of the election.

The 2018 elections' historical relevance was associated with the surprises from various political, cultural, and technological processes that were gradually unfolding over the last decade. In 2022, it wasn't so much about the novelty it brought, but more about realizing its potential for democratic disruption in the face of the political situation and technological infrastructures. In sum, by defining the direction of democracy in the country, there is no doubt that 2022 was a historic election in many ways, leaving critical lessons for Brazilians and other geopolitically close countries, especially in Latin America and the Global South. Below, we conclude with a list of key lessons on the techno-political context and disinformation ecosystem of the 2022 Brazilian elections.

— The effects of systematic disinformation can weaken democracy and favor political and institutional disruption, but we cannot look for simple solutions to a complex problem.

Although disinformation was nothing new, its dissemination and the fight against it were a hallmark of the 2022 elections. Its damaging potential for social and political processes was wide open, and confronting it became a matter of preserving the democratic regime and the principle of equal electoral opportunities. We cannot take a deterministic or reductionist approach to the causal relationship between disinformation, radicalization, and political violence. It is not a matter of understanding technology as the sole cause of social problems, nor as a neutral factor, a mere channel for other sources of social issues. Instead, it concerns co-emergent causalities (CESARINO, 2022) in socio-technical and techno-political processes. Technologies are simultaneously products and producers of broader social, cultural, economic, and political phenomena.

In light of this, part of the challenge in combating disinformation is understanding the phenomenon's complexity and multiple layers, avoiding quick answers and unilateral solutions to a multiple and heterogeneous problem that does not follow linear flows. In this sense, avoiding a deterministic and technocentric perspective in the fight against disinformation is particularly relevant when discussing regulation (BRITO CRUZ, 2021) and the protection of fundamental rights, as there will be no single legal or regulatory measure that can provide a simple solution to such a complex problem. The challenge is, therefore, to find comprehensive, systemic, and multilateral ways to mitigate the risks of disinformation in different dimensions.

Fake news alone does not cause institutional disruption. However, it is necessary to consider the infrastructural aspects of the platforms and the systemic issues of information flows that are gradually transforming perceptions, behaviors, and social processes in a complex and multifaceted ecosystem. As we have seen, the disinformation ecosystem has been formed and consolidated over the last few years through networked and multi-platform propaganda strategies, with coordinated but also spontaneous processes. Over time, the informational flows of this ecosystem and its communicational dynamics have favored radicalization and political polarization. In other words, polarization is not only the result of

technological aspects but also of different social, cultural, historical, and political factors in the Brazilian context. Even if social media are not the sole cause of certain paradoxical effects, they are certainly a fundamental element for understanding significant social and political changes that have taken place in the country in recent years. In this sense, it is essential to comprehend the context of socio-technical and techno-political elements to understand the role of disinformation in the political radicalization process in Brazil and to develop more effective strategies to combat these practices.

Platform regulation based on human rights and effective mechanisms to ensure greater transparency in content moderation are urgently needed.

Discussions on the regulation of platforms are familiar and are gradually taking place in different countries. In Brazil, this debate started in 2020 as part of Bill 2630, initially called the fake news bill, whose scope now goes far beyond disinformation. After the election period, the social relevance of this issue became clear.¹⁶⁵ There needs to be more than the model of platform self-regulation to define the parameters of content moderation, transparency, and platform accountability, considering the challenges posed by phenomena such as disinformation or hate speech, among others. The techno-political context of institutional crisis and risks to Brazilian democracy has therefore highlighted the importance of more robust regulatory parameters to guarantee rights in these digital environments.

In the context of digital rights debates, there has been a long-standing and persistent demand for greater transparency from platforms regarding their governance and monetization practices. Given the complexity of the current disinformation ecosystem, it is becoming increasingly essential for academic and civil society researchers to access data from platform services to collaborate in monitoring illicit practices and proposing solutions based on

¹⁶⁵ According to a survey carried out by Atlas Intel just before the vote on PL 2630 in April 2023, 78% of Brazilians are in favor of regulating platforms. Available at <<https://veja.abril.com.br/brasil/quase-80-dos-brasileiros-sao-a-favor-da-regulacao-das-redes-sociais>> Accessed on 05/20/2023.

grounded knowledge about the social and political processes mediated by big tech. The adoption of new legislation could make a significant contribution.

Despite the rush to pass new legislation, the regulation of platforms must be anchored in the protection of human rights in digital environments, with the precaution that the law adopted maintains its focus on the guarantees of freedom, responsibility, and transparency on the internet (LEFÈVRE, 2022). In the different versions of Bill 2630 (INSTITUTO DE TECNOLOGIA E SOCIEDADE, 2023), some controversial topics, such as the extension of parliamentary immunity and the remuneration of journalism by platforms, were included hastily and with less debate with civil society than other issues.

Thus, despite the urgency, the search for legislation that would solve many problems at once could have a high cost in the future. For this reason, separating some points could be strategic to generate adequate responses capable of incorporating voices and knowledge, strengthening the multisectoral debate in which Brazil has already been a pioneer at other times (VENTURINI, 2023). Therefore, we must be clear that Bill 2630 will not be the “silver bullet” for disinformation, nor will it solve all the profound social and political problems affecting digital environments. Still, it is undoubtedly a critical step in advancing forms of platform accountability and guarantee of rights. The 2022 elections teach us that human rights-based regulation of platforms is a crucial component for protecting future elections in the country.

— A swift and diligent electoral justice system, operating with the collaboration of other relevant actors in exercising their respective roles, is crucial while always respecting institutional limits.

The Electoral Justice was undoubtedly a fundamental actor in the fight against disinformation in 2022. Despite sometimes controversial measures, it is undeniable that the TSE’s active and reactive stance in confronting disinformation has been a decisive element in addressing, if not avoiding, this phenomenon and its effects within the framework of current legislation. In response to the unexpected new developments in fake news in 2018, the TSE has taken several appropriate measures to curb the use of social media for illegal propaganda and the dissemination of false content: it has updated resolutions and rules on electoral propaganda on the internet, continued to

monitor debates and train public officials to combat disinformation proactively, and strengthened partnerships and cooperation with different actors.

Collaboration agreements with fact-checking agencies, third-sector organizations, academic research groups, and platforms have been fundamental for the TSE to function as a centralized body for monitoring facts linked to disinformation and political propaganda online. The TSE's swift and diligent action in countering disinformation was essential in reducing the potential damage to human rights and the principle of equal opportunities.

This was and must be an action based on an updated, transparent set of rules that consider the particularities of the digital ecosystem. While the body could act promptly in the 2022 elections and establish rules deemed necessary in the particular Brazilian context of the period, the legislative branch must act proactively, evidence-based, and in dialogue with civil society to address the challenges in question. As Paulo Rená points out, we can't wait for the next elections because the TSE's actions were not proportionate, i.e., at certain times, the body's measures were sometimes considered excessive, bordering on abuse of power. As the country recovers from a period of extreme democratic fragility, it is necessary to look carefully at certain precedents set by the Brazilian Electoral Judiciary. While the seriousness of the Brazilian context in terms of threats to the democratic regime justified them, certain measures and arrangements in other contexts may set precedents for forms of institutional abuse of power. In this sense, the authorities must act in coordination, fulfilling their respective institutional functions and aiming to guarantee rights protection through different legal and regulatory instruments and the balance of powers.

— The relevance of electoral protocols, policies adapted to local contexts, and efficiency in platform actions.

The 2022 Brazilian elections were another example of how electoral periods, as important rituals of democracy, are sensitive and special times for political communication practices. For this reason, electoral legislation has traditionally defined clear and specific rules for communication flows in the media. Since the beginning of the 20th century, research and practices in communications have shown that it is possible to influence electoral

results through media content (LAZARSELD; BERELSON; GAUDET, 1967). In recent years, digital platforms have become the main space for political communication and public debate. Therefore, we have witnessed cases of rights violations and the use of techniques to influence elections through disinformation with systemic effects on our democracies and societies, such as the case of Cambridge Analytica and the 2018 Brazilian elections.

Considering the central role of platforms in today's political communication and the exceptional regime of the election campaign period, it became clear that companies must adopt specific protocols during the electoral process, taking into account the particularities of the local socio-cultural, political, and technological context. Such protocols are particularly relevant in the case of countering disinformation because it is a complex phenomenon whose linguistic, discursive, and communicative layers are inextricably linked to factors related to language, political context, and local history. In other words, certain disinformation narratives can only be understood in their context, as certain false narratives and content can take on different meanings depending on the circumstances.

Therefore, it is necessary more than simply translating rules from other countries to deal with the complexity of the disinformation phenomenon. This attention to the specifics of the local context is essential both in developing the rules and in their application. When we talk about content moderation systems guided by artificial intelligence, training these models in the language in which they work will be decisive in their ability to identify content that violates policies. Likewise, human moderators must be familiar with the local culture to interpret certain content. The automated content moderation process becomes more complex with the sophistication and professionalization of network propaganda practices using disinformation. Thus, human moderation by native speakers of a language and from people based in the country becomes even more relevant when evaluating certain content. It is also essential that the platform has a specialized team capable of understanding the local context and its problems.

Although measures for transparency and countering disinformation should be continuous and comprehensive, the electoral period requires specific care and attention optimized for this moment, such as institutional crisis protocols and protection of electoral integrity. This means that the election period will require more accurate accountability from platforms, with more precise and

contextualized data, as well as transparency mechanisms that allow other local organizations to collaborate in monitoring violations.

Flora Rebello highlights the importance of cooperation between various authorities, such as the TSE, CADE, and ANPD, in addition to the role of Electoral Justice and the other branches of government. This cooperation is fundamental in the electoral context in Brazil and Latin America. These other authorities can also collaborate in the application of laws within their respective competencies. Therefore, while disinformation is a global problem, combating it requires articulated local efforts capable of responding to the particularities of each region.

— Civil society cooperation and collective work to address the complexity of the disinformation phenomenon is fundamental to an approach based on respect for fundamental rights.

Another lesson from these elections is the importance of collaborative initiatives and collective work between different actors, entities, and institutions. Electoral justice and any regulation will only be able to solve part of the problem of disinformation since it is not only a legal problem but also a social and socio-technical one. In this sense, disinformation must be addressed through initiatives on different fronts, such as cultural and educational, considering the unequal reality in Latin America.

Collaboration between different groups, such as civil society organizations and academic researchers, allows for broader and more sophisticated monitoring of different issues, strategic information sharing, and more collaborative efforts targeting. Even when each actor, group, or entity focuses on specific aspects, the exchange of results and joint efforts produce more robust evidence about the opaque elements of this ecosystem, which is already opaque due to the infrastructure and governance of platforms themselves.

In the Brazilian case, the cooperation between traditional media and fact-checking agencies allowed for an optimized organization and systematization of human resources in a context of extremely high and accelerated information flow. This optimization was reflected in the checks' agility and the dissemination of reliable information about the electoral process. In a scenario of segmented communication, algorithmic bubbles, and unequal access to the internet,

the traditional media still plays a vital role in offering standard information that the population can access to build their political opinions and promote democratic discussions. Strengthening the sustainability of the media, including independent media, and fostering an information ecosystem based on diversity and plurality is also a key element in countering disinformation, as already recognized by the special rapporteurs on freedom of expression.¹⁶⁶

As we have seen, the articulation of organized civil society helped pressure platforms to adapt their practices and policies during the elections, an essential component in strengthening the fight against disinformation. To reinforce cooperation, Marie Santini suggests, for example, that a global network to protect democracies could benefit several countries, including those in Latin America. This would allow local learning to be pooled for global action.

Media education initiatives are also essential to counter disinformation in the medium and long term, as highlighted by the special rapporteurs on freedom of expression in 2017. Collaboration between different actors is necessary for media education initiatives, as they involve the production and transmission of knowledge, as well as forums for training and debate. The lessons learned on disinformation for the 2022 Brazilian elections include recognizing the need for cooperation between actors, fields of knowledge, and sectors of society and understanding that some issues are not purely legal, regulatory, or political but must be addressed in other areas, such as culture, education, research, and the media.

And so, the Brazilian elections in 2022 can serve as an example for other countries, especially in Latin America and the Global South, both in their positive and negative aspects. Despite the severe incidents of radicalization and political violence, the initiatives on various fronts described in this report can help define the parameters of strategies for countering disinformation in other electoral contexts. Disinformation is a global matter involving digital platform infrastructures on a worldwide scale, but it takes on specific characteristics at the local level. Therefore, its confrontation involves facing the complex challenges of its systemic and circumstantial aspects.

166 See <<https://www.oas.org/en/iachr/expression/showarticle.asp?artID=1056&IID=1>> Accessed on 10/03/2023.

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ANNEX 1: LIST OF INTERVIEWS

NUMBER	INTERVIEWEE	PROFESSIONAL DESCRIPTION	DATE OF INTERVIEW
1	Lorena Regattieri	Senior Fellow Trustworthy AI, Mozilla Foundation	12/13/2022
2	Pedro Saliba	Lawyer and sociologist, leader of the project "Elections, disinformation and violation of data" at the Data Privacy Brasil Research Association	12/14/2022
3	Caio Machado	Executive Director of Instituto Vero	02/03/2023
4	Francisco Brito Cruz	Executive Director of InsternetLab	02/10/2023
5	Luciana Veiga	Political scientist	02/02/2023
6	Samara Castro	Electoral lawyer	03/13/2023
7	Tatiana Dourado	Post-doctoral researcher at INCT.DD	03/21/2023
8	Carlos Bruno	Public Prosecutor	03/24/2023
9	Natalia Leal	Journalist, fact-checker and CEO of Lupa	04/03/2023
10	Nina Santos	Researcher at UFBA and Université Panthéon-Assas and coordinator of *desinformante	04/05/2023
11	Yasmin Curzi	Professor, researcher and lawyer	04/06/2023
12	Yuri Correia Luz	Public Prosecutor and Doctor of Laws (USP)	04/06/2023
13	Allan Santos	PhD student in Communication and Culture	04/07/2023
14	Paulo Rená	Co-director of Aqualtune Lab	04/11/2023
15	Paulo Faltay	Researcher and journalist	04/12/2023
16	Alan Thomaz	Lawyer and professor	04/14/2023
17	Marie Santini	Professor at Eco-UFRJ and director of Netlab-UFRJ	04/18/2023
18	Leticia Cesarino	Professor at UFSC	04/20/2023
19	Sabrina Almeida	PhD in Political Science, researcher and professor at FGV ECMI	04/20/2023
20	Victor Piaia	Professor e Pesquisador da FGV ECMI	04/24/2023
21	Alexandre Pacheco	Law professor and research center coordinator	04/27/2023
22	Flora Rebello	Specialist in Disinformation and Regulation of Social Media, Human Rights and Companies	05/02/2023
23	Paula Bajer	Regional Electoral Prosecutor	05/03/2023

Source: Elaborated by the author

About the interviews:

All the interviewees signed an Informed Consent Form agreeing to take part in the research. Some chose not to have their interviews recorded and/or not to have their words quoted in the report. The interviews were conducted, with the exception of two (19 and 20), via videoconferencing. The in-depth interviews followed a semi-structured script that sought to ask general questions about disinformation in the electoral context and other specific questions according to the professional's expertise and area of activity. The interviewees were selected on the basis of an exploratory mapping of relevant research and activities in the topics and areas relevant to the research. In addition, we tried to contact members of the Superior Electoral Court and the Google platform, who were unable to respond to our request. The Meta platform preferred to answer some of the questions in our written questionnaire.

ANNEX 2: LIST OF INSTITUTIONAL MATERIALS FROM THE PLATFORMS

PLATFORM	INSTITUTIONAL MATERIAL CONSULTED
META (INSTAGRAM & FACEBOOK)	<ul style="list-style-type: none"> _ Dando transparência ao trabalho da Meta para proteger a eleição brasileira de 2022, dated 20/10/2022; updated on 10/17/2022. _ Como a Meta está se preparando para as eleições do Brasil em 2022, dated 08/12/2022. _ PREPARATIVOS PARA AS ELEIÇÕES, no date. _ O trabalho da Meta para proteger a integridade da eleição no Brasil em 2022, no date. _ Eleição do Brasil de 2022 em números, 10/17/2022. _ Anúncios sobre temas sociais terão camada de transparência nas plataformas da Meta no Brasil, 10/5/9/2022. _ Anúncios sobre temas sociais, eleições ou política, no date. _ Anúncios sobre temas sociais terão camada de transparência nas plataformas da Meta no Brasil, 05/19/2022 updated 06/22/2022. _ Nossa abordagem para eleições, 10/04/2022. _ Trazendo mais transparência para anúncios de temas sociais, política e eleições, 05/23/2022. _ Padrões da Comunidade do Facebook, no date. _ Padrões da Comunidade do Facebook > Desinformação, 07/15/2023. _ Relatório de Transparência – Segundo semestre de 2022.
WHATSAPP	<ul style="list-style-type: none"> _ Sobre o WhatsApp e as eleições, no date. _ Como evitar a disseminação de informações incorretas, no date. _ Sobre limites de encaminhamento, no date. _ Mudanças no encaminhamento de mensagens, 07/19/2018 updated 01/21/2019. _ Organizações da Aliança Internacional de Checagem de Fatos (IFCN) no WhatsApp, no date.
TIKTOK	<ul style="list-style-type: none"> _ Nosso trabalho antes, durante e após as eleições brasileiras de 2022, 03/15/2023. _ TikTok fecha parceria com TSE para trazer informações confiáveis sobre eleições para o aplicativo, 02/09/2022. _ Diretrizes da Comunidade, last update march 2023. _ Integridade eleitoral, no date. _ Relatórios de transparência, including Solicitações de remoção feitas por governos (jul a dez 2022); application of the Community Guidelines (July to October of 2022 and October to December 2022).

PLATFORM	INSTITUTIONAL MATERIAL CONSULTED
TWITTER	<ul style="list-style-type: none"> – As eleições brasileiras de 2022 e o Twitter, no date. – Sobre os rótulos de eleições no Twitter, no date. – Política de informações enganosas de integridade cívica, January of 2023. – Relatórios de Transparência, including filtro por país; – Política de Desinformação em Momentos de Crise, May of 2022. – Como lidamos com desinformação no Twitter, no date. – Política de mídia sintética e manipulada, April of 2023. – Regras e políticas, no date. – Política contra spam e manipulação da plataforma, March of 2023. – Relatório de transparência sobre Aplicação das Regras, July to December 2022. – Consórcio de Pesquisa e Moderação do Twitter, no date.
TELEGRAM	<ul style="list-style-type: none"> – Site oficial da plataforma, no date. – Novidades do Telegram (blog), no date.
KWAI	<ul style="list-style-type: none"> – Relatório de transparência, July to December 2022. – Política relacionada às eleições, February 2022. – Diretrizes de comunidade, February 2022.
YOUTUBE	<ul style="list-style-type: none"> – Diretrizes da comunidade do YouTube, no date. – Políticas contra desinformação em eleições, no date. – Políticas contra a desinformação, no date. – Relatório de Transparência Youtube, October to December 2022. – Conceitos básicos sobre os avisos das diretrizes da comunidade no YouTube, no date. – Teorias conspiratórias prejudiciais no YouTube, 10/15/2020.
GOOGLE	<ul style="list-style-type: none"> – Nosso trabalho nas eleições brasileiras de 2022, 12/21/2022. – Central Google Trends Eleições 2022, no date. – Diretrizes da comunidade do Google, no date. – Google Play destaca apps sobre as eleições no Brasil, 09/06/2022. – Threat Analysis Group (TAG) Q4 2022, 01/25/2023. – Relatório de Transparência para Anúncios Políticos, no date. – Relatório de Transparência do Google, no date. – Política de Verificação de publicidade eleitoral, no date. – Política de Conteúdo político, no date.



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