



First Round General Elections Brazil 2022

Pre-electoral programming

The CEPPS/IFES team arrived in Brasilia on September 28 to attend the Superior Electoral Tribunal's (*Tribunal Superior Eleitoral*, TSE) three-day series of pre-election briefing sessions and panel discussions for its international guests. The series was opened by the Presidents of the TSE, the Supreme Federal Tribunal (*Tribunal Supremo Federal*, STF), the Senate, and the Brazilian Bar Association (*Ordem dos Advogados do Brasil*), and by the Deputy Electoral Attorney General and by the head of the Interamerican Union of Electoral Bodies (*Unión Interamericana de Organismos Electorales*, UNIORE) mission, who also chairs the Mexican National Electoral Institute (*Instituto Nacional Electoral*, INE). The head of the UNIORE mission offered a number of internal recommendations to the TSE at the end of his opening speech. In other sessions, TSE officials gave presentations on the voting machine and on election statistics, training, and the inclusion of gender and socially excluded groups. Panel discussions debated the prevailing political context in Brazil and in the region. CEPPS/IFES' Senior Global Advisor on Gender, Regina Waugh, was also included in the TSE's official international observers program as part of a panel discussion on women's leadership and participation in elections, the only non-EMB representative on that panel.

During the TSE presentations, CEPPS/IFES noted several important statistics regarding voters' ability to exercise their right to vote on election day. For example, this year, Brazil's voter registry added a significant number of first-time voters, bringing the total number of registered voters to over 156 million. The number of out-of-country voters doubled over recent years to 600,000 (which caused long wait times at Brazilian diplomatic missions on Election Day, especially in Europe). The TSE has also begun to credential voters with electronic voter cards (*e-titulo*), a convenient tool that 20 percent of Brazil's registered voters have already downloaded onto their smartphones, among them a large majority of the 2 million eligible 16 and 17-year-olds—a 400 percent increase of that demographic when compared to 2020. CEPPS/IFES was later able to speak to a poll worker on Election Day and see her *e-titulo*. The TSE also introduced the possibility of short-term voting address changes to accommodate voters who would be travelling within Brazil on Election Day. 667,565 voters utilized this option in advance of the 2022 elections in order to be able to vote.¹

¹ <https://sig.tse.jus.br/ords/dwapr/seai/r/sig-eleicao-eleitorado/painel-eleitorado-tte?session=10808535656458>

The final day of the pre-election program included presentations on the TSE's efforts to combat disinformation and monitor and enforce campaign and political party finance regulations. While noting the threefold increase in public campaign funding since 2018 (now amounting to US\$925 million), the TSE also acknowledged its lack of staff to scrutinize such expenditure reporting. The TSE does collaborate with Brazil's Financial Intelligence Unit (*Conselho de Controle de Atividades Financeiras, COAF*) in investigating shell companies, dummy candidacies, and fraudulent expenditures that may allow candidates to divert public funds for personal use. The Federal Court of Accounts (*Tribunal das Contas da União, TCU*) also informed CEPPS/IFES that it currently supports the TSE in cross-checking campaign expenditure filings with national corporate tax registries and welfare databases. However, these partnerships are not sufficient for the TSE to carry out its monitoring mandate. In 2018, the TSE estimated that it would need 136 auditors to shoulder the workload of fully auditing campaign expenditures, whereas it now only has ten.

Election Day

For the day of elections, the TSE had pre-established election observation routes for larger observer groups (OAS, UNIORE, CPLP, CEELA, IDEA, Mercosur, etc), mainly concentrated around polling centers in Asa Sul and Asa Norte. CEPPS/IFES routed its own itinerary, giving priority to areas with potentially high illiteracy and poverty rates, in order to be able to gauge maximum times needed by voters to complete the electronic voting process, and to cover polling centers not visited by other observers.

Opening

CEPPS/IFES observed the opening at EC-01 in *Paranoá*, a voting center with 15 polling stations. Upon arrival at 7am, a line of about 100 voters had already formed outside the school. Security was provided by one police officer out in front of the school. CEPPS/IFES was quickly granted access, and the center administrator recorded the mission's presence. The supervisor responsible for results transmission had already arrived. When CEPPS/IFES entered the indicated polling station room, polling staff had already configured and booted up the voting machines and was in the process of signing the *zeresima* printout and biometrically signing in polling staff. Voting started promptly at 8am, and lines of about 30 voters had formed in front of each polling station room at the time of opening. The atmosphere was peaceful. About 10 percent of voters present displayed insignia or colors associated with the incumbent president.

Voting

CEPPS/IFES observed voting at *Escolha Classe 203 in Itapoá*, a center with 15 polling stations. Upon arrival around 9am, the supervisor in charge of results transmission was already present. A party agent alerted CEPPS/IFES to a voting machine dysfunction, but the administrator clarified that only one individual voter had problems using the machine, which ultimately did not need to be replaced. The center had no visible police presence, and the atmosphere was calm, with children playing in a central courtyard while voters queued. Voters reported average wait times

of five minutes to CEPPS/IFES, although actual wait times must have reached 20-30 minutes during the morning hours, as at least 15-20 voters stood in line at each station.

Inside the polling station, CEPPS/IFES observed measurable disparities in voter preparedness to operate the voting machine. Each voter brought hand-written slips of paper (as allowed by the voting rules) into the polling booth detailing the respective voter's chosen candidate numbers across the five races. While some voters across the polling stations observed completed the process in as little as 40 seconds, one elderly voter needed more than six minutes to key in all choices. Heads-of-polling-stations followed each voter's progress on the screen of the voter authentication terminal and, as needed, reminded voters how to key in the digits for the race(s) they were struggling with. CEPPS/IFES observed no attempts to influence voter choice, or to violate the secrecy of the vote. The list of candidates was posted for reference behind each voting booth, albeit in very small print and without candidate photos. The voting machine does display the name and photo of the candidate once the candidate number is entered so the voter has the opportunity to confirm they have entered the correct number before confirming their vote.

Integrity Testing at the Federal District Legislative Assembly

At noon, CEPPS/IFES arrived at the Federal District (*Distrito Federal*, DF) Regional Electoral Tribunal's (*Tribunal Regional Eleitoral*, TRE) offsite integrity testing at the Legislative Assembly of the Federal District, where 14 voting machines that had been drawn by lottery the previous Friday were subjected to the TSE's parallel voting scrutiny. The integrity test is the TSE's most publicly visible procedure to demonstrate that its voting machines faithfully translate each voter's choices into their machine count. While CEPPS/IFES observed the process, the TSE President also made an appearance during the procedure, drawing significant media attention. The integrity test involved TSE staff keying pre-determined printed voter choices into the tested machines, to then compare the votes processed by the machines with the choices consigned on paper.

In order to complete this process, the biometric voter authentication must be waived for each test vote entry, since TSE data entry clerks are not included on the randomly drawn machines' voter registers—which significantly slows down the testing process. The TSE has informed CEPPS/IFES that integrity testing can only be conducted on Election Day itself, and not after results announcement—when it might be psychologically most needed—because the EVM's voting application is timebound. Also, because the voting application is locked for single use, EVMs actually used on Election-Day regrettably cannot be integrity tested after Election Day, at least not with the voting application flash drives used on Election Day.

TRE staff informed CEPPS/IFES that during the last election, integrity testing actually incurred an inconsistency, which was caused by a typographical error that was later discovered on closed-circuit video footage. This year, the entire TRE DF integrity test was livestreamed on its homepage for greater transparency. The formatting and panoramic camera angles, as well as lack of close-up and logical step-by-step sequencing, however, does not yet allow citizens to grasp the conclusive effect of the tests (see recommendations below).

Three days after the first round, CEPPS/IFES had a meeting with Giselly Siqueira the TSE's Communications and Multimedia Secretary, suggesting that integrity testing merits more explanatory documentary publicity. Ms. Siqueira reverted to CEPPS/IFES later that day, confirming that she started viewing closed-circuit footage to produce a streamable, logically sequenced clip of the test to make the process more accessible to the public.

Pilot Biometric Integrity Testing at the Canadian School

CEPPS/IFES arrived at 1:30pm at Brasilia's Canadian School to assess the DF TRE's pilot for biometric, onsite integrity testing. First-round biometric pilot testing relied on actual voters to volunteer to perform the parallel voting on randomly drawn voting machines, once they had completed their live voting. Biometric integrity testing is done onsite on machines initially slated for that center. Each volunteer voter is routed to the machine he/she was initially registered on before the random selection, so that each test machine can biometrically authenticate the voter. Because the on-site polling center tests don't need to go through the lengthy process of waiving biometric authentication, they are much faster than offsite integrity testing performed by TSE staff. The DF TRE selected six machines at a single location for this pilot. The pilot's turnout target of 10 percent of registered voters was reached, with final participation being 15 percent. The process was recorded, but not livestreamed, and no photography was allowed. The TSE informed CEPPS/IFES that it does not plan to extend biometric onsite integrity testing during the runoff, only offsite integrity testing.

Closing

CEPPS/IFES observed the closing of polls at EC 102 in Asa Sul. Party agents of *Partido Novo*, *União Brasil*, and Workers' Party (*Partido dos Trabalhadores*, PT) collected signed copies of the results *boletim de urna* (BU), and CEPPS/IFES was also offered a signed copy. The polling station had 263 registered voters of whom 221 turned out. Of those, 98 voted for the incumbent president and 79 for Lula. No voters stood in line at 5pm and polling officials once again captured their biometrics at closing. Within five minutes of closing, the station supervisor collected the results flash drive from the voting machine and uploaded the results to the TSE server. By 5:08pm, the results of all seven polling stations of that center had successfully been uploaded from a school desktop computer through the dedicated TSE application. The seven flash drives were packed in a numbered cardboard box and conveyed by the supervisor to the appropriate *cartório* (records office).

Results Transmission

CEPPS/IFES followed the TSE's results transmission process from TSE headquarters after closing on Election Day. The TSE walked observers around cybersecurity work stations, but the intensity of the atmosphere was not conducive to one-on-one technical expert conversations, so that CEPPS/IFES could not assess the cyber clearance process for incoming results. This is fairly common practice in a results center; observers can ascertain that there is an active process of

compiling the votes, but are not allowed to disrupt the time-intensive process by interacting with the results center staff.

CEPPS/IFES observed up to an 4.5-hour lag in reporting from mostly Northeastern and Northern States, which led to a significant lead by incumbent President Bolsonaro that was only reversed at around 8:30pm, when Lula strongholds reported the bulk of their results. This lag of results transmission by Northeastern States merits further research. Stakeholders informed CEPPS/IFES that in some areas, voting was still ongoing after 8pm, which could be due to slower voting in areas with higher illiteracy (voters who are in line by 5pm are given a coupon and are allowed to vote after 5pm).

The digital divide in broadband penetration between more affluent and less affluent residential neighborhoods and their schools might also require physical transport of the latter's results flash drives to upload points, whereas schools observed by CEPPS/IFES in Brasilia all availed of on-site upload points. The TSE also operates four generations of voting machines, and the oldest generation of 2009-made machines can be presumed most prone to breakdowns that interrupt voting, which might have ultimately entailed extension of the voting hours beyond 5pm. Nationwide, however, just around 1 percent of machines had to be replaced on October 2, so that none of the factors conclusively explain the massive Northeastern lag of more than four hours. The TSE received the last results transmission on October 4 at 10:27am from *Coari* in Amazonas State.

Turnout

Of 156,454,011 eligible voters, 123,682,372, or 79.05 percent . Of those, 118,229,719 cast valid votes, 3,487,874 (2.82 percent) cast invalid votes, and 1,964,779, or 1.59 percent cast blank (white) votes. The proportion of invalid and blank votes represents a 50% decrease from the 2018 election. Had it not, Lula would have easily won a majority of valid votes with his 48.43 percent of all votes cast. Despite Brazil's compulsory vote, the convenience of the *e-titulo*, and the novel ability to temporarily change one's voting address, 32,770,982 voters, or 20.95 percent of eligible voters abstained from voting altogether. CEPPS/IFES has been unable to locate statistical disaggregation of this abstention by gender, age, ethnicity, education, disability or socio-economic status among the TSE's otherwise rich electoral statistics. Two days after the election, CEPPS/IFES received a geographic breakdown of abstention, showing the highest abstention rates in the Southeast, which coincides with the lowest biometric registration rates of that region.

Of the 667,565 voters who temporarily transferred their voting address, only about half ultimately voted in the first round.² TSE statistics make out 16-20-year-olds as the most under-registered age group eligible to vote. The fact that voting becomes compulsory at 18 does not measurably increase the registration rate of 18- and 19-year-olds, perhaps partially because

² https://sig.tse.jus.br/ords/dwapr/seai/r/sig-eleicao-eleitorado/matriz-eleitorado-tte?p16_tp_tte=Voto%20em%20Tr%C3%A2nsito&session=10808535656458

Brazil holds elections every two years. Nevertheless, a precipitous registration lag persists for first-time voters in that age bracket.³ In 2020, abstention also rose with advanced age.⁴

Opinion Polling

Immediate pre-electoral opinion polling seems to have gotten several predictions right, and others quite wrong. Predictions on turnout and on blank and invalid votes, as well as final tallies for Lula da Silva, Simone Tebet and marginal candidates all remained within the margins of error, whereas all except for one poll⁵ underestimated the tally for the incumbent President by as much as 7 percentage points, well outside the 2 percent margin of error. Those same polls overestimated the score of Ciro Gomes at 6-7 percent, instead of the 3 percent he ultimately earned. Some analysts reasoned that polling underestimated the phenomenon of the *voto útil* of Gomes supporters who would not vote for Lula under any circumstances.⁶ Other analysts speculated that followers of populist candidates are generally more suspicious of the media, including polling firms, and are therefore less likely to partake in polling.⁷

Sensitive Results Documents

The TSE provided CEPPS/IFES with conflicting information on its logistical and archival planning for the signed BU results printouts and the results flash drives (*mídias de resultados*). One TSE staffer thought that those sensitive results documents would remain at Brazil's 2,600 *cartórios* until their reuse or destruction, whereas another thought they would be regionally centralized with the 27 TREs, and yet another thought that they would be centralized at the TSE within roughly one week of Election Day. On October 4, the day it began requisitioning the sample of 4,161 BU printouts, the TCU was laboring under the assumption that it would receive the printouts directly from respective *cartórios*, as was still the case for Aécio Neves' 2014 post-results audit. One of the present report's short-term recommendations (infra) suggests that the TSE label results flash drives with QR codes to facilitate tracing them along the chain of custody, as is already possible for BU printouts and voting machine cases. Consideration might also be given to centralizing all three pieces of results evidence above *cartório* level, in order to facilitate post runoff results scrutiny, if necessary.

Electoral Dispute Resolution

Because of longstanding, deep popular trust in the TSE and its standard-setting electronic voting infrastructure, Brazil has seen almost no election results disputes over the past three decades. When confronted with a potentially razor-thin runoff result, the TSE could hence fall victim to its

³ <https://sig.tse.jus.br/ords/dwapr/seai/r/sig-eleicao-eleitorado/painel-perfil-eleitorado?session=15339385558205>

⁴ <https://sig.tse.jus.br/ords/dwapr/seai/r/sig-eleicao-comp-abst/home?session=15339385558205>

⁵ Paraná Pesquisas, paid for by the PL

⁶ <https://mailer.nmensagens.com.br/l/EkUGxEHQm3vn0w763RtPL9Uw/N2Qe3GBNjOjrMX0WtZEZiw/fN3hB7zix6GNGvdhx2SImg>

⁷ <https://www.aljazeera.com/news/2022/10/6/how-did-brazils-pollsters-underestimate-support-for-bolsonaro>

own success: Neither the TSE's legal or regulatory framework, nor its logistical and operational practice, allow aggrieved parties to pursue judicial remedies at central level. Annulment and rerunning of elections are available only at local level, and only when local election judges are petitioned within 48 hours of voting, a time-window within which cyber breaches, for instance, can hardly be detected through forensic auditing. Granting results remedies remains entirely within the TSE's discretion, and therefore somewhat unpredictable for aggrieved parties. The TSE has not yet regulated whether printed and signed BUs, electronic results stored on flash drives, or electronic results uploaded to the TSE server legally prevail as evidence in case of disputed election results.

Impostor Voting

Allegations of impostor voting were reported, notably by voters in whose name votes had already been cast when they presented themselves at their polling stations. Those allegations did not specify whether the voters in question had already captured their biometric data, or whether they were among the 25 percent of voters nationwide who have not yet registered biometrically. CEPPS/IFES notes that despite the pandemic, all regions of the country have reached nearly 90 percent biometric registration, with the only exception of the Southeast lagging at 60 percent biometric capture. Within the Southeast, Minas Gerais has the lowest biometric capture rate at 55 percent.⁸ As is, heads-of-polling stations can override the biometric voter validation with no limits on the number of overrides, as long as the voter can correctly state biographic information, such as their date of birth. Other countries impose software caps on the number or percentage of voters registered within a given voting machine to waive biometric authentication. Doing so would limit the number of votes that can be cast at non-biometric offsite integrity tests, so that the TSE would need to migrate its integrity testing entirely onsite and thereby rely on biometrically validated voter volunteers.

The Tribunal das Contas da União TCU and the Polícia Federal PF

CEPPS/IFES met with seven representatives of the TCU for over two hours during its first mission in late August, and had suggested that the TCU extend its testing and auditing involvement with the TSE into the post-results announcement period--as is standard international practice. CEPPS/IFES also raised this possibility with the Federal Police. The TCU and the PF informed CEPPS/IFES that they could only do so upon request of the TSE. A month later, during the TSE pre-electoral briefings for international guests, CEPPS/IFES learned that the TCU, as well as the Federal Police, and possibly the military, would indeed extend their auditing into the post-results announcement phase.

CEPPS/IFES further inquired and learned that the TCU would requisition a sample of 4,161 BU results printouts from the *cartorios* through the TSE, to compare them to the results of the respective polling stations as listed among the disaggregated results on the TSE homepage. The

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https://sig.tse.jus.br/ords/dwapr/f?p=1004:2:10808535656458:::PO_ABRANGENCIA,PO_PAIS,PO_REGIAO,PO_UF,PO_MUNICIPIO:UF,Brasil,SUDESTE,,

TSE informed CEPPS/IFES that the TCU would design its sample so that it would be statistically relevant and representative even in terms of vote score by each of the leading presidential candidates, akin to the statistical models used by Brazil's opinion polling. This raised concern with CEPPS/IFES, since all but one Brazilian polling companies underestimated the incumbent President's score, as well as that of Ciro Gomes.

CEPPS/IFES therefore took a follow-up meeting with Riu Ribeiro, the TCU official in charge of the post-results audit. Riu Ribeiro and his direct supervisor received CEPPS/IFES on October 4 and clarified that the audit exercise had not yet started, and that it would not seek to extrapolate presidential scores, but merely verify the accuracy of the results transmission of the randomly selected 4,161 polling stations. CEPPS/IFES inquired whether the TCU would take a risk-limiting audit approach and expand their sampling, in case it was to discover any results transmission inconsistencies among the 4,161 drawn polling stations, which Mr. Ribeiro suggested the TCU had at this stage not planned. As is, the TCU only requisitions the results printouts, and not the results flash drives archived at the *cartorios*.

CEPPS/IFES inquired what the TCU had planned for the post-runoff-results phase and whether and how it planned to publicize its findings. Mr. Ribeiro and his direct supervisor kindly suggested that IFES schedule a formal meeting with the President and Vice-President of the TCU, who had also met with the OAS and other international missions, in order to raise those questions well in advance of the runoff. Mr Ribeiro provided CEPPS/IFES with relevant contact information.

CEPPS/IFES also plans to reach out to its contact at the Federal Police to follow up with a similar line of questions.

Gender

While more women were elected into the Lower House than in 2018, the cycle increase from 2018-2022 fell behind the increase between 2014 and 2018.⁹ The two largest parties in the Lower House, the PL and the PT, each had the most women candidates elected, 18 and 17 respectively. The PSOL was the only party that had more women than men elected, notably seven versus five. The Lower House will now count 91 women MPs or 17 percent, up from 77 in 2018 (after it jumped from 51 to 77 between 2014 to 2018), whereas the Senate will seat only 12 women, or 15.4 percent.¹⁰ Minority representation slightly edged up in both houses, including a historic two transgender women being elected to the Lower House and an increase in the number of Indigenous women in the legislature from one to three. At the time of writing, the TSE had not yet updated its gender statistics page from 2020.¹¹ Worth noting too, political parties enjoy unfettered discretion in assigning favorable candidate numbers, often hindering women or less favored candidates with difficult to memorize candidate numbers.

⁹ https://www1.folha.uol.com.br/poder/2022/10/mais-mulheres-sao-eleitas-para-o-congresso-mas-bancada-feminina-cresce-menos-que-em-2018.shtml?utm_source=newsletter&utm_medium=email&utm_campaign=newsfolha

¹⁰ https://www1.folha.uol.com.br/poder/2022/10/mais-mulheres-sao-eleitas-para-o-congresso-mas-bancada-feminina-cresce-menos-que-em-2018.shtml?utm_source=newsletter&utm_medium=email&utm_campaign=newsfolha

¹¹ <https://www.justicaeleitoral.jus.br/tse-mulheres/>

Accessibility for Persons with Disabilities

At EC 203 in *Itapoá*, voting was held on two floors, and the upper floor had a wheelchair ramp. CEPPS/IFES spoke with one wheelchair-using voter, who was satisfied with the ease of his access. CEPPS/IFES observed at least two other voters arriving with impaired mobility; while CEPPS/IFES did not speak to them and cannot report their feedback on accessibility, it appeared that they were able to vote fairly easily, although might have benefited from a shorter walk to the station, and more places to sit while waiting and voting. Voting machines were generally placed on low enough desks for wheelchair-using voters to access the keyboard, although for older voters or those using canes or walking supports, the low height actually seemed to make it more difficult for them to retain their balance while leaning over to see the screen. The TSE's latest generation EVM displays instructions in Brazilian sign language on its voting screen (and instructions are available online as well), and all EVM keyboards have always had braille numbering. The TSE website also shows video tutorials on how the EVM can be operated by those with severely impaired mobility. Persons with disabilities, as well as elderly and pregnant women voters are given legal queueing priority, which CEPPS/IFES observed as respected in all three polling centers. Queue controllers also provided chairs to elderly voters standing in line at at least one polling station observed. Observed illiterate/innumerate voters, however, had to be verbally assisted by the head of the polling station, since the EVM itself does not seem to have an audio cue function to help struggling voters complete the process. In 2022, only 1,271,381 voters noted their disability on the voter register,¹² even though 17.3 million Brazilians live with disabilities. Over half of those 17.3 million are of advanced age.¹³ Worth highlighting again is the *e-título*, which can spare voters with disabilities the need to physically travel to a *cartório* to receive a paper voter card.

Recommendations for the runoff

- 1) More effectively publicize integrity testing before and during the election.
- 2) Enable post-electoral integrity testing, and/or release integrity testing outcomes and documentation after runoff results announcement.
- 3) Produce short sharable video clips that allow ordinary citizens to grasp the conclusiveness of the integrity testing mechanism, similar to the clever, informative videos produced by the TSE to dispel fake news about the voting machines. Proactively push the video clip into online conversations about election integrity.
- 4) Expand both biometric and non-biometric integrity testing for the runoff
- 5) Consider centralizing signed BU printouts and results flash drives at TRE level, instead of *cartório* storage, as soon as possible after Election Day. Place QR-codes on the results flash drives and inventory results flash drives at TRE level as soon as they are centralized. Avail signed BUs and results flash drives to post-election audits.

¹² <https://sig.tse.jus.br/ords/dwapr/seai/r/sig-eleicao-eleitorado/painel-eleitorado-com-defici%C3%Aancia?session=15339385558205>

¹³ <https://censoagro2017.ibge.gov.br/en/2185-news-agency/releases-en/31465-pns-2019-brazil-has-17-3-million-persons-with-some-type-of-disability.html>

- 6) Research and remedy the reasons for the lag in results transmission from Northeastern States. The TSE could consider also publicizing more about this explanation (and remedies) to reassure voters that the delay is expected or at least not indicative of manipulation.