Note d'analyse n°9

Elections under the dictatorship of the algorithm
The Brazilian case

Luísa Franco Machado (Sciences Po)

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Introduction

Internet is changing the way we do politics in the world, playing an elemental role in shaping how elections and debates take place. Especially in Latin America. Throughout the region, it is more and more common for political actors to engage in using botnets[1] and a broad range of methods for online political propaganda. These methods go from the use of extensive data sets of information about voters to actual algorithmic[2] manipulation[3]. Brazil, being one of the most influential regions in Latin America, is a significant case to study how these new mechanisms can have an influence in the electoral processes in such young and developing democracies.

In Brazil, these mechanisms have appeared due to a number of changes in the electoral jurisdiction. The most important was that candidates, parties and coalitions have, for the first time in 2017, been legally explicitly allowed to use digital platforms for paid electoral advertisement. That means that they are now able to pay for boosting sponsored posts on Facebook, Instagram, and so on. This is important to understand the subject especially because Brazilians are massively present in social media. Having a total of around 209 million inhabitants, Brazil accounts for 129 million active accounts in Facebook, gaining the position of the 4th country with the biggest amount of users in the platform[4].

This extensive, powerful online participation attains the democratic process itself. The internet and more specifically social media have become highly influential in disseminating information about candidates, spreading the news, and tracking information regarding corruption affairs such as the Lava Jato operation or the pension reform (Reforma da

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[1] A *botnet* is a set of devices that are connected to the internet, each one of them running one or more bots. A bot is a software application that runs automated tasks on the Internet.

[2] Algorithms are usually pieces of code that function like behind-the-scenes instructions, ranking our preferences and filtering content online.

[3] Arnaudo, Dan. (2017) Computational Propaganda in Brazil: Social Bots during Elections. University of Washington.

[4] Leading countries based on number of Facebook users as of October 2018. Available at:
https://www.statista.com/statistics/268136/top-15-countries-based-on-number-of-facebook-users/

Previdência). This online participation has also conducted the creation of a *digital bill of rights* called the "Marco Civil da Internet", that was the main actor in formulating digital laws for the Brazilian cyberspace and was created online, through a creative commons system that crowdsourced the process of drafting the bill[5]. This model has even became a model for internet governance throughout the world[6].

Recently, the Political Reform Law (Lei 13.488/2017) was enacted. This Law is even called by some researchers in the social sciences as the the "Facebook Bill"[7], pointing out to the potential profit that the platform's owners could have on top of our democracy. In addition to what has been cited before, it is important to emphasize that this law, apart from explicitly allowing the use of digital platforms for paid electoral advertisement, it also allows for politicians to pay for their contents to be prioritized in searching engines like Google, which means that they would pay for their pages to be on top of searches, increasing their visibility.

The Law not only opened room to a digital form of advertisement, but also reduced the mandatory time dedicated for electoral propaganda on TV and on radio. What happens is that, in Brazil, a "barrier clause" was imposed to parties, limiting the time they had to air political propaganda on the media vehicles based on the representation they had in the National Congress. With the opening of social media to do political propaganda, the only limitation the politicians now have for their advertisement is the amount of money they have to pay for sponsored posts on Facebook or priority in Google's answers.

The new jurisdiction also allows politicians to boost electoral content, with the only constraint being the strict use of the means available by the platform only. With that, the sponsored posts end up by following the logic of "targeted ads" that platforms such as Facebook or Instagram impose. That means that the political content is redirected to users according to the profile the platforms "box us" into, built from a number of data collected about us 24/7 based on our online interactions, our posts, our comments, our check-ins, and so on.

While we know that it is not new that political actors target their audience within their political marketing strategy, currently political parties are conducting entire electoral campaigns using a large amount of personal data to promote their candidates. They are able to do that with the help of "data-brokers" industry, that are basically companies that have as their main activity collect and sell personal information about users to other organizations, including political parties[8].

When it comes to Whatsapp, however, the mechanisms are slightly different, as it is a space where users have relatively private conversations. Even if not completely private (e.g. groups), they remain less exposed to social media platforms. That actually ends up hardening the path to tracking the origins of the messages that are being shared. It is crucial to emphasize that Whatsapp has been a dominant platform during the Brazilian electoral context. Surveys

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[5] idem

[6] O'Maley, D. (2015). Networking democracy: Brazilian internet freedom activism and the influence of participatory democracy. Nashville: Vanderbilt University. Retrieved from http://www.academia.edu/17053807/Networking_Democracy_Brazilian_Inter net_Freedom_Activism_and_the_Influence_of_Participatory_Democracy

[7] Lemes, Conceição. Ativistas detonam a Lei do Facebook: Vocês vão trabalhar de graça para Zuckerberg lucrar e eleger os candidatos ricos. Available at: https://www.viomundo.com.br/denuncias/ativistas-detonam-a-lei-do-facebookvoces-vao-trabalhar-de-graca-para-zuckerberg-lucrar-mais-e-eleger-os-candidatos-ricos-e-bloquear-os-pobres.html

[8] Arnaudo, Dan. (2017) Computational Propaganda in Brazil: Social Bots during Elections. University of Washington.

have recently found that almost two-thirds of voters in Brazil have Whatsapp accounts and, among those, 36% read and 21% shared news about Brazilian politics and elections inside the app[9]. The platform has recently been pointed out for the diffusion of fake news, even if some candidates deny it.

Finally, since 1989, 21 years after a rough military dictatorship, Brazilians have not only the right, but the obligation, to choose through direct elections the politicians that represent them the most. However, Brazilian's 2018 elections will be a turning point in Brazilian history as it was the first one to have social media and internet in general as a decisive key player in defining the next rulers.

In Brazil, to understand this subject it is crucial to contextualize the current political environment. We will start with the emblematic "Operação Lava Jato" (Car Wash in English). This scandal has trembled the political class, and has led to several arrests, investigations and governmental resignation since it has started in 2014. Since then, the recession through which Brazil is going through and the bad image that the Workers' Party (Partido dos Trabalhadores) has gained, has led to ruin the political trust regarding former presidents Lula Ignacio de Silva (Lula) and Dilma Rousseff (Dilma).

Lula is currently in prison under investigation for corruption after being targeted through the Car Wash operation. While Dilma is not, she has been impeached in 2016 supposedly for manipulating government accounts in the run-up to her re-election in 2014, what in portuguese is named the "pedaladas fiscais". Several branches of the PT and parts of the population have, however, referred to the event as a coup, suggesting that Dilma's former allies impeached her because as they wanted to obstruct the Lava Jato. After the impeachment, Michel Temer, Dilma's former vice president and once ally took office.
Temer's government has not stopped the tragic economic decline neither the Lava Jato investigation, in which a few of his ministers, allies in Congress and bureaucrats throughout the government are involved.

The 2018 General Election was probably one of the most consequential election through which Brazil has been since the reinstatement of democracy in the 1980s, with a very skeptical electorate after years of the unprecedented corruption investigation of Lava Jato. The role of social media and the increasing of fake news in a country where electors started to rely a lot on the internet has put in observations Brazil's young democracy. Bolsonaro, the recently elected right-wing Social Liberal Party candidate whom Brazilian newspapers have called "the Trump of the Tropics" for his authoritarian and populist appeal, relies a lot on his voters' online interactions with him. According to polls[10] , 81 percent of Bolsonaro's supporters reported having used social media, while 61 percent reported using WhatsApp to access information and 40 percent claimed that they use the platform to share information. However, we will see that it is hard to blindly trust social media in order to rely on a candidate.

This unstable political environment provides a vast, interesting and compelling field for the study of computational propaganda. In recent years, some parties all over the world have increased their usage of internet and specially social networks to organize political campaigns and promote their candidates while attacking others (Buckstegge & Stabile, 2016). In Brazil,

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[9] Datafolha Institute. Hábitos de Usos de Aplicativos. Available at: http://media.folha.uol.com.br/ datafolha/2017/01/27/da39a3ee5e6b4b0d3255bfef95601890afd80709.pdf

[10] Datafolha: 6 em cada 10 eleitores de Bolsonaro se informam pelo WhatsApp. Available at: https://veja.abril.com.br/politica/datafolha-eleitor-de-bolsonaro-e-o-que-mais-se-informa-por-redes-sociais/

we could observe a similar scenario, with the candidate Fernando Haddad (PT) accusing the candidate Jair Bolsonaro (PSL) of spreading fake news against him[11].

With that we could ask ourselves: ***to what extent is the integrity of elections in Brazil at risk by the misuse of computational propaganda, such as bot networks, fake news and algorithmic manipulation, through social media ?*** To answer this research question, we will observe the three main social media in Brazil as a key instrument for political campaigns. Therefore we will analyze Twitter, Facebook, and Whatsapp, and try to measure to what extent could they be harming our democracy during the electoral process.

I. Twitter : the bots' vicious cycle

Twitter was one of the main debate platforms during the 2014 General Elections in Brazil, as well as during the impeachment of Dilma Rousseff. It was also a main stage during 2018's General Elections, being on the spotlight when it came to scandals regarding fake news towards the main candidates. Studies show that bots counted as up to 20% of interactions during the more heated moments during political debates in Brazil[12]. On Twitter bots are used by candidates not only to expand the number of people following them, but also to generate attacks towards the opposite candidates, promote hashtags and induce artificial debates. With that, tweet are set up and replicated in a larger scale and "fake news" are disseminated [13].

As a study from the *Diretoria de Análise de Políticas Públicas* of the *Fundação Getúlio Vargas (DAPP/FGV)* points out, this strategy not only suffocates the discussions that are actually created spontaneously, but also polarises the debates, concentrating extremely opposite positions and promoting a rather artificial radicalizations oh the debate, not allowing for more moderated positions to stand out, as well as boosting the political movements that end up being smaller (and with that have no chance of gaining attention). Also, through the study made by DAPP/FGV, we understand that even if bots are usually working for a certain candidate or disseminating a certain political position, it is not exactly possible to culpabilise the political actor for which the bots are operating. This happens because different groups could be using this system to disseminate information, for numerous reasons.

To illustrate the matter we can cite an investigative article released in 2017 by BBC Brazil[14] in which a 18 year old teenager was interviewed regarding his participation in the presidential elections of 2014. The boy earned US$400/month to produce Facebook posts in his 17 fake profiles, with the goal of influencing the presidential debate of 2014. BBC interview four ex-employees of a marketing company that are called "activators". Their role was to activate the persona conceived for these fake profiles. The company provided employees with SIM cards to boost the profiles in social media - with that, these people, the *activators*, had the duty of programming posts, commenting in news websites, responding to interactions, voting in surveys, interacting with what the candidate (or party) they needed to promote, without

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[11]Gomes, Luiz Alberto. Haddad acusa Bolsonaro de criar rede de fake news e diz que vai à Justiça. - Availabe at: https://noticias.uol.com.br/politica/eleicoes/2018/noticias/2018/10/18/haddad-organizacao-criminosa-bolsonaro-redes-sociais.htm

[12] Vicente, J. P. Como o conteúdo patrocinado mudará as eleições de 2018. Available at: https://www.vice.com/pt_br/article/wjg35z/como-o-conteudo-patrocinado-mudara-as-eleicoes-de-2018

[13] FGV, DAPP. Robôs, redes sociais e política no Brasil: estudo sobre interferências ilegítimas no debate público na web, riscos à democracia e processo eleitoral de 2018 / Coordenação Marco Aurélio Ruediger. – Rio de Janeiro : FGV, DAPP, 2017. Available at: http://dapp.fgv.br/wp-content/uploads/2017/08/Robos-redes-sociaispolitica-fgv-dapp.pdf

[14] Gragnani, J. Exclusivo: investigação revela exército de perfis falsos usados para influenciar eleições no Brasil. Available at: http://www.bbc.com/portuguese/brasil-42172146

forgetting to create an original character to the fake profile they hold by, for example, adding as friends certain profiles of *real* people.

In June 2018 Twitter declared that, due to the modifications brought through the Political Reform, it would no longer authorize that political organizations advertise in the platform until it provides *proper compliance* to the law[15]. Twitter made this decision as an effort to diminish external influence on the elections after several scandals in the United States and in Russia involving Twitter used as a platform to influence elections[16]. This has not come unexpectedly as the platform had announced beforehand that it would launch measures to understand more clearly who is behind political advertisements and who they wanted to target in order to restrain dishonest actions[17].

II. Facebook targeted ads : a journey to misconducted information

As presented in the introduction, Facebook is one of the most famous social media in Brazil. This means that any political content that is wisely targeted could easily reach from Acre to Santa Catarina. In 2014, during the presidential elections, Dilma filled a lawsuit at the Electoral Prosecution Office (Ministério Público Eleitoral) against the Senator Aécio Neves' use of bots and fake profiles in his campaigns[18], as legislation did not permit paid advertisements or any electoral promotion in websites that did not belong to the candidates, their parties, or their coalitions.

Even so, it is not easy to determine to what extent have the political marketers of the 2014 campaign used voter's personal data to promote its targeted ads on Facebook since the previous legislation prohibited online electoral advertisement[19]. In 2014, during the political campaign, Facebook was in charge of a workshop dedicated to Brazilian politicians on how to develop their fan base and how to boost the likes they received on their Facebook public pages. With that, they even thought ex-President Dilma Rousseff's marketing team how increase her presence on social media[20].

In 2018, Facebook changed a bit its position regarding its participation in Brazilian political campaigns. Facebook's response to elections seem to have moved from capacity building regarding social media popularity to endorsing efforts to ensure the integrity of the elections and lessen its interference in the political process as a response to the new legislation, the Reforma Política, explained earlier in this paper.

After the scandal generated as the controversial Cambridge Analytica declared its interest in interfering in Brazil's 2018 General Elections, Facebook took the position to prioritize the integrity of the elections. With that, it announced measures they are taking in

[15]Teixeira, L. A. Melissa Barnes, do Twitter: Não vamos permitir que grupos políticos façam propaganda no Twitter. Available at: https://gq.globo.com/Prazeres/Poder/noticia/2018/06/melissa-barnes-do-twitter-naovamos-permitir-que-grupos-politicos-facam-propaganda-no-twitter.html

[16] idem

[17] AFP. Twitter promete mais transparência em anúncios políticos. Available at: https://istoe.com.br/twitterpromete-mais-transparencia-em-anuncios-politicos/

[18] 4 Umpierre, F. Dilma vai à justiça contra os robôs de Aécio. Available at: http://www.pt.org.br/dilma-vai-ajustica-contra-os-robos-de-aecio/

[19] Coding Rights. (2018). Data and Elections in Brazil 2018. Available at: https://www.codingrights.org/wp-content/uploads/2018/11/Report_DataElections_PT_EN.pdf

[20] Boadle, A. Facebook execs coach Brazil politicians before Internet vote. Available at: https://www.reuters.com/article/brazil-internet-facebook-idUSL1N0IE0H420131025

Brazil in order to assure that democracy won't be damaged through the social network. These acts go from preventing content that do not have a trustworthy source from being shared to preventing low quality content to reach a lot of people[21].

Regarding ads that specifically contain political matters, Facebook carried out a new feature that let users be aware of who has paid for a political ad, how much money was allocated to it, to by how many people it was seen, and even characteristics such as age or gender of the people who the ad attained[22]. It is possible to imply that these new features were up to date to the new political reform law[23]. These include the identification of political content on social networks, as the name of the candidate or party who paid for it appears in the "Paid for by" disclosure on Facebook.

Brazilian fact-checking agencies also gained a lot of attention during the General Elections. Agencies like "Aos Fatos" and "Agência Lupa" also made an agreement with Facebook to help checking the veracity of news being diffused in the networking and fighting against the fake news[24]. Facebook then guaranteed that it would not allow the expanding of pages the agencies considered as to be managed and/or boosted by fake people, neither would sell the permission to diffuse ads directed to increasing the audience to these pages[25].

Moreover, Brazil has also set up a governmental council composed mostly by representatives from the Army and the Intelligence Agency to monitor "fake news" during the elections and have started to draft bills that tried to define "fake news" as "false and incomplete content". However, what could be a problem that is very often ignored is that the term of fake news encourages then surveillance and censorship from governments. That is because we have already seen alarming initiatives and a propagation of laws aspiring to actively monitoring and regulating what is posted online and empowering authorities with the duty of fact checking, therefore weakening the independent role media should have. As said activist Frank La Rue "The problem is that fake news becomes a perfect excuse to just silence or shut down any alternative or any dissident voice"[26]. Anyway, Facebook should not be our only preoccupation.

III. Whatsapp : the danger of a new arena in political discourse

Even if Facebook is one of the most influential social media in Brazil, Whatsapp also has its spot guaranteed amongst Brazilian users, and it is also the part in which we will spend the most of the time analyzing due to its great importance to the current political scenario in Brazil. One usually think that Facebook has a greater reach due to the "openness" of the platform and the fact that the content is usually more available. Whatsapp, on the other hand, looks like a mostly closed network where the conversations users have and the information

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[21] Coding Rights. (2018). Data and Elections in Brazil 2018. Available at: https://www.codingrights.org/wp-content/uploads/2018/11/Report_DataElections_PT_EN.pdf

[22] Facebook Newsroom. Hard Questions: Why Doesn't Facebook Just Ban Political Ads? Available at: https://newsroom.fb.com/news/2018/05/hard-questions-political-ads/

[23] Coding Rights. (2018). Data and Elections in Brazil 2018. Available at: https://www.codingrights.org/wp-content/uploads/2018/11/Report_DataElections_PT_EN.pdf

[24] Facebook Newsroom. Facebook lança produto de verificação de notícias no Brasil em parceria com Aos Fatos e Agência Lupa. Available at: https://br.newsroom.fb.com/news/2018/05/facebook-lanca-produto-deverificacao-de-noticias-no-brasil-em-parceria-com-aos-fatos-e-agencia-lupa/

[25] idem

[26] Open letter from Latin American and Caribbean civil society representatives on the concerns about the discourse around fake news and elections. Available at: https://www.apc.org/en/pubs/open-letter-latin-american-and-caribbean-civil-society-representatives-concerns-about-discourse

contained on it are usually more protected by the end-to-end encryption provided by the platform, and the fact that information is not searchable.

As we presented in the introduction of our study, a vast amount of electors use Whatsapp as their first mean of electoral information, and understanding that is the key to understand why Whatsapp is such an important political actor. A survey held by Brazilian Datafolha announced that 57% of the people interviewed said WhatsApp could be considered the safest medium for exchanging sensitive messages that need high security[27]. However, that could be questioned through company actions such as the business version of the platform that was enabled in Brazil in January 2018 allowing small and medium business to gather statistics regarding users' responses to their action in order to realize whether corporate communication strategies are working or not on the platform[28].

As demonstrated by Vice journalist Noah Kulwin Whatsapp is leading to serious fake news problems in Brazil, and the reason for that is that it multiplies the toxic aspects of fake news[29]. The messaging app intensifies the dangerous *echo chambers* where you only receive an information you will probably agree with, polarizing the political environment and making it harder to track the origins of this desinformation, in case it is fake[30]. Whatsapp also allows anonymous sharing, giving users a much larger battlefield given that they would not receive any public shaming as response to what they say[31], different from what could happen in Facebook or Twitter.

Unlike Facebook, there is no direct "share" button available on Whatsapp. That is because, theoretically, users have a certain privacy regarding their communication, with privacy highly valued, with the content circulating in it not easily auditable and having origins that are hard to track. Even if through the platform is very easy to exchange messages, being by text, photo or videos, it is extremely hard to identify the author of these messages[32]. In a study presented by Ciara Long[33], a considerable amount content are shared in Whatsapp group chats in which usually everyone that participates in it share the same political position.

To cite an example of the power Whatsapp has over political action in Brazil, we can mention the Truckers' strike that happened in May 2018. The messaging app was the main mean used to spread information regarding the strike against the hike of fuel prices. As released by Folha[34], the whole strike began implying that the whole Brazil would stop if the drivers stopped. Soon enough there was already a group with around 290 truck drivers ready to start a strike. As the strike went by, the drivers agreed that without the mobilization through Whatsapp they would have never been able to reach that level of mobilization. However, as big as it

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[27] Datafolha Institute. Hábitos de Usos de Aplicativos. Available at: http://media.folha.uol.com.br/datafolha/2017/01/27/da39a3ee5e6b4b0d3255bfef95601890afd80709.pdf

[28] Folha de São Paulo. Whatsapp para negócios é liberado para usuários brasileiros. Available at: http://www1.folha.uol.com.br/tec/2018/01/1953285-whatsapp-para-negocios-e-liberado-para-usuarios-brasileiros.shtml

[29] Kulwin, N. WhatsApp is causing a serious fake news problem in Brazil. Available at: https://news.vice.com/en_us/article/mbpkyv/whatsapp-is-causing-a-serious-fake-news-problem-in-brazil

[30] idem

[31] Coding Rights. (2018). Data and Elections in Brazil 2018. Available at: https://www.codingrights.org/wp-content/uploads/2018/11/Report_DataElections_PT_EN.pdf

[32]idem

[33] Long, C. Why WhatsApp is Brazil's go-to political weapon. Available at: http://nic.br/noticia/na-midia/whywhatsapp-is-brazil-s-go-to-political-weapon/

[34] Linhares, C. et al. WhatsApp Organizes and Informs Demonstrators on Brazil's Roads. Available at: http://www1.folha.uol.com.br/internacional/en/business/2018/05/1970125-whatsapp-organizes-andinforms-demonstrators-on-brazils-roads.shtml

became, the mobilization polarised itself and it was infiltrated by groups even demanding the return of the military dictatorship that was in charge of the country from 1964 to 1985.

Polarization in Brazil is escalating and ceasing the space for political debate. The dynamics of Whatsapp not only allows but stimulates the establishment of more echo chambers filled with brazilians who are more and more distrustful of democracy. Studies support the idea that the app will foment mobilization and division. Researches such as Yasodara Córdova point out that "The trend is for people to organize in WhatsApp groups around candidates and schedules, while people who want to destabilize each other's campaigns will also be operating in WhatsApp groups quite intensely."[35]

In the last presidential campaign of 2014, politicians used WhatsApp to share political videos and messages during their campaigns without having to pay for it while relying on diffusion through family and friends groups to reach the biggest amount of people they could[36]. In the 2018 elections, it was not that distinct. The actions taken were not different, especially if we take into considerations that the emergence of digital political strategies by specialized companies such as, for example, A Ponte Estratégia, included different surveys to identify what were the target audiences and then gather phone numbers to build a database that would serve to forward political messages[37].

Folha de São Paulo has pointed out that most of the Brazilian Presidential pre-candidates aimed to use the Whatsapp as a means for campaigning[38]. It usually worked like that: the candidates or their parties would create transmission lists that would be mostly used for communicating with mobilization groups. These lists would gather thousands of people added to it that could receive campaign-related media straight from the candidates or their parties.

Even if the electoral reform had changed the political campaigning spectrum by allowing candidates, parties and coalitions to pay for sponsored ads on Facebook and other social networks, the law does not mention Whatsapp in it. Therefore, it does not specify how content would be shared through the app or if it should be flagged as sponsored political advertising. If a proper regulation for Whatsapp is not designed, it becomes very difficult to assure that candidates will not used the platform to perform illicit actions and going against the Electoral Law, such as diffusing online political advertising out of the authorized means or performing a crime against a candidate's honour.

The high levels of brazilian participation and political engagement in the app made it one of the main fields for the 2018 Electoral Campaigns Brazil saw what researches see almost as a replay of what happened in the United States in 2016, when social media played a key role in the election of Donald Trump[39]. A research from Brazilian's Datafolha institute arrived to

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[35] Rossi, A. Como o WhatsApp mobilizou caminhoneiros, driblou governo e pode impactar eleições. Available at: http://www.bbc.com/portuguese/brasil-44325458

[36] Harvard Business School Digital Initiative. "ZapZap": How WhatsApp transformed communications in Brazil. Available at: https://rctom.hbs.org/submission/zapzap-how-whatsapp-transformed-communications-inbrazil/#_ftn9

[37] Coding Rights. (2018). Data and Elections in Brazil 2018. Available at: https://www.codingrights.org/wp-content/uploads/2018/11/Report_DataElections_PT_EN.pdf

[38] Fleck, I. and Tavares, J. Whatsapp entra no radar de pré-candidatos. Available at: https://www1.folha.uol.com.br/poder/2018/03/whatsapp-entra-no-radar-de-pre-candidatos.shtml

[39] De Sá, N. 'We Were Naive to Believe in Silicon Valley', Says Historian Niall Ferguson. Available at: https://www1.folha.uol.com.br/internacional/en/world/2017/11/1938851-we-were-naive-to-believe-in-silicon-valleysays-historian-niall-ferguson.shtm

the conclusion that during 2018's elections around 30% of the top-three President candidates voters would share news with political content on social media. Another study also revealed that Jair Bolsonato had the largest amount of supporters with highest levels of online engagement and political content sharing (both on Facebook and Whatsapp)[40].

In October 2018, one week before second turn's voting, scandal regarding the corporate finance for mass distribution of Whatsapp messages against the PT[41] brought the platform in evidence in the debate of the legality of the political debate promoted on the Internet. According to Folha, the newspaper that launched the scandal, ex-employees of AM4 Brasi Inteligência Digital, a digital marketing agency, claimed that they used a tool called TextNow to create foreign numbers to dribble Whatsapp's regulations in terms of spam and group sizes. They also stated that they were analyzing the practices of followers "profile" them and create accurate group   chats,   for   example.

Even if they often violate the terms of services on Whatsapp, mass messaging is not actually illegal if the contact of the target audience is part of the databases of the candidate, and that these numbers were freely given to the candidates. However Folha also stated that the agencies were also selling databases from third parties with profile segmentation[42].

As a response to that Whatsapp blocked several accounts for activity that were classified as spam and general "unusual activities that can be "an amount of messages send by one use, repetition of content, hate speech and offenses, besides the amount of times the user have been blocked or deleted."[43] As a response to that, PT and PSOL have both petitioned in the Electoral Justice asking for the "suspension of the app in case Whatsapp did not submit a contingency plan in 24hs to suspend the massive distribution of offensive messages towards candidate Haddad"   that   was   indeed   very   polemical.

Conclusion

As we analyzed the legal institutional environment during the 2018 Brazilian General Elections, we tried to interpret some measures taken by different actors in the growing electoral digital marketing industry, such as politicians, agencies for political digital marketing, and the general usage of social networks and how it could influence freedom of choice and compromise (or not) democracy in Brazil. With that, we could arrive at some conclusions.

First of all it is important to highlight the importance of the electoral reform in establishing how should social media act when it comes to politics, specially during election periods. The electoral reform provision regarding the possibility to buy targeted ads and lift politicians' online content on Facebook as well as on Google's results was with the goal of trying to avoid the use of bots that inflate and the posts' reach, with the law also prohibiting any content boosting procedure that is not defined by these platforms.

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[40] HSuhet, I. Bolsonaro é o presidenciável com mais seguidores virtuais: 7,8 milhões. Available at: https://www.metropoles.com/brasil/politica-br/bolsonaro-e-o-presidenciavel-com-mais-seguidores-virtuais-78- milhoes

[41] Mello, Patricia Campos. Empresários bancam campanha contra o PT pelo WhatsApp. Disponível em: https://www1.folha.uol.com.br/poder/2018/10/empresarios-bancam-campanha-contra-o-pt-pelo-whatsapp. shtml

[42] Coding Rights. (2018). Data and Elections in Brazil 2018. Available at: https://www.codingrights.org/wp-content/uploads/2018/11/Report_DataElections_PT_EN.pdf

[43] Senra, Ricardo. Por que o WhatsApp bloqueou filho de Bolsonaro e mais 'centenas de milhares' de usuários às vésperas das eleições. Disponível em: https://www.bbc.com/portuguese/brasil-45909762

As it allows politicians to boost their content in these social networks, we could imply that the lawmaker was indirectly approving the logic of the "echo chambers" strengthened by the algorithms of main social media companies. This ends up by leading to polarization of the political environment, as voters with different ideological positions are kept completely apart with no moderate interaction in between them - what does not happen with political propaganda on TV and radio, as voters are exposed to all candidates, from different parties, being represented at the same time.

By consenting with candidates paying for online sponsored posts, the electoral legislation was led to indirectly encourage activities of data collection for profiling by the so-called data brokers, creating a data market with voters' informations being sold according to which candidate could influence them the most effectively. The electoral reform gave permission for such practice in a country that is still talking about the creation of a Data Protection Agency to protect citizen's data, definitely not being as advanced in the matter as their European peers, for example. Therefore, in the Brazilian context, voters are completely explored without having a proper agency to protect them from being manipulated and to foster actual freedom of thought.

We could also realize that Whatsapp have become one of the key communications tools in the Brazilian political scenario. Despite the fact that the social network does not allow any type of ads, several marketing agencies had already exposed how it would play an elemental role in the 2018 General Elections, as it did, even stating that they would provide political campaigning services designed solely for the messaging app[44]. Some digital agencies even said that it was common that they collect voters data and from there generate transmission lists that could gathers thousands of users to send around 10 messages a day on Whatsapp.[45]

The absence of statements in the Electoral Reform about Whatsapp messages and the complexity of information sharing on the platform has hardened the process of flag electoral content or even assure candidates that this content would not be used for illicit purposes such as online political advertising that was not within the authorized means or be used for dissemination of hate speech or the so called "fake news".

Voters have the right to express their opinions regarding a candidate, a party, or a coalition without the fear of being threatened must be guaranteed, however evidently respecting the limits imposed by Law prohibiting prejudicial statements. Nonetheless, we have observed that guaranteeing such rights has become even more enigmatic in a context in which hate speech is used as strategy for political marketing[46].

Finally, without the development of technologies that promote political digital transparency, voters are being more and more encouraged to take care of the democracy themselves, through actions on social media, and learning how to use tools to monitor targeted advertising directed at them, to perceive the algorithms doing content prioritization and even to detect the usage of bots.

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