

ELECTORAL RULES

FOR LEGAL ENTITIES

2022 Elections Calendar

**Party
Conventions**

July 20 to August 5

**Electoral Campaign
Advertising
on radio and TV**

August 16 to
September 29

First Round

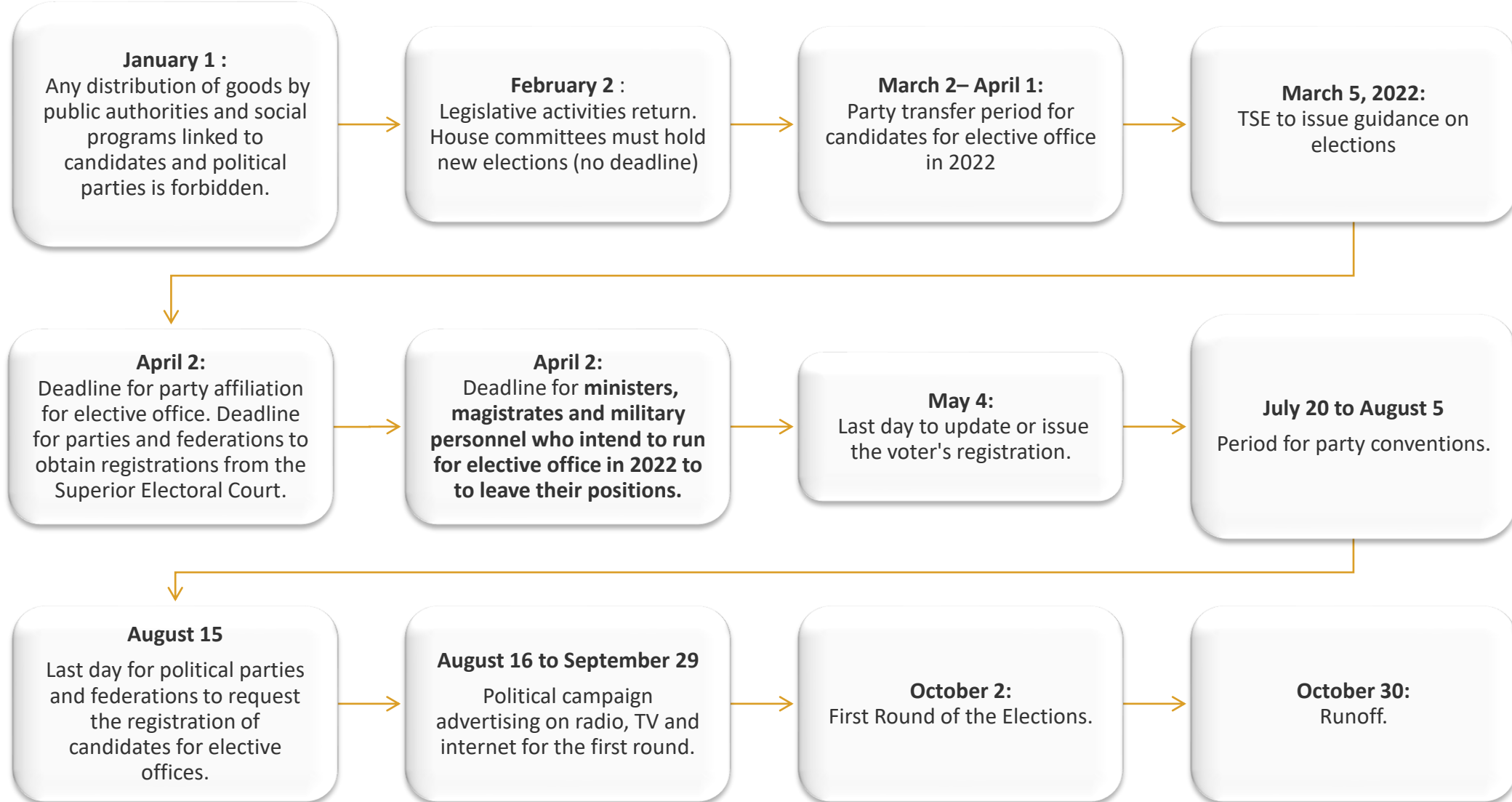
October 2

Runoff

October 30

Timeline

2022 Elections



WHAT IS FORBIDDEN?

As of January 1

- *The free distribution of goods, values, or benefits, except in cases of public calamity, state of emergency, or programs already provided for in the budget law;*
- *Social programs executed by an entity linked to the candidate.*

180 days before the election

- *The revision of public servants' wages.*

150 days before the election

- *To incur new expenses that cannot be met until the formal end of the term of office.*

A day before the election

- Linking electoral advertisements in newspapers, magazines, and the internet. Only elective candidates can promote advertisements on the internet during the election period and the election day itself. However, the mechanism is forbidden for individuals and companies other than the party.

WHAT IS FORBIDDEN?

3 months before the election

- Election period. From this point on, candidates must not carry out certain activities:
 1. Appoint, discharge without cause, or hire public servants until the inauguration of the elected officials (except for commission paid workers and trust positions).
 2. Appoint those approved in previous civil service examinations.
 3. Contract public services.
 4. Voluntary transfers of resources.
 5. **Publicity for institutional acts, programs, services, and works.**
 6. Statements on radios and television out of the period destined for electoral campaign advertising, except in urgent cases defined by the Electoral Justice.
 7. **Attendance of candidates at public works inaugurations.**

2 months before the election

- *Broadcasting paid advertising.*

INAUGURATION OF FACTORIES / FACILITIES

Candidates cannot participate in events or inaugurations that have public contributions/funding.

State and Federal Executive branch heads and candidates may participate in the inauguration of renovations of public property if there is no bidding process or public funds involved.

State and Federal Executive branch heads and candidates may participate in the inauguration of construction work or private events (factory opening, company anniversary) if there is no mention of the political campaign.

BIDDINGS - PARTNERSHIPS - AGREEMENTS

Pre-existing agreements that provide the transfer of public money to the private sector do not need to be suspended during the election period.

Companies and Associations are not prevented from contributing resources/sponsorships to municipalities, state, and federal governments.

Bidding processes can be opened and continue during elections, if they are under the available budget.

SOCIAL MEDIA AND LEGAL ENTITY WEBSITES

- *It is forbidden to mention a candidate's action and express support or rejection in social networks and websites of companies and legal entities.*
- *It is forbidden to broadcast electoral propaganda on websites of profit or non-profit legal entities.*

RALLIES / SHOW RALLIES

- Brazilian legislation *forbids* any kind of donation from companies and associations - either direct (money) or indirect (goods). The Supreme Court also prohibited unpaid artists/public persons from participating in show rallies, but to allow unpaid participation in fundraising shows.
- *The funding of other types of events aimed at promoting a candidate is also prohibited.*

RELATIONSHIP WITH AUTHORITIES

- ***Heads of the federal and state executive branches and members of parliament** can be invited to private events, but there can be no acts that refer to pre-candidacy or election campaigning.*
- *The use of slogans, posters, and any product that identifies the politician as a candidate **shall be avoided**.*
- ***Statements** in favor of the present politician may be characterized as anticipated electoral propaganda and rise complaints of prohibited conduct.*
- ***Companies and legal entities are advised to be cautious** when participating in inaugurations or events held by City Halls. Depending on the speeches made by local administrators and the possible participation of pre-candidates, the actions could be understood as early election campaigning or favoritism to a specific political segment.*

DONATION RULES

- **Legal entities are prohibited from donating; individuals will be limited** to amounts up to 10% of their gross income in the year prior to the election.
- **Companies and associations** may not encourage their employees, associates, and clients to donate to a candidate.
- Candidates can use **crowdfunding** to raise campaign funds.
- Pre-candidates **can only start fundraising in advance in May 15 of the election year.**
- The **list of donors** and the amounts donated must be sent to the Electoral Justice Department.
- **Parties** can sell goods and services and promote events to raise funds for election campaigns
- The use of so-called '**virtual currencies**' such as **bitcoin** in campaign fundraising and spending **is prohibited.**

NEW SOCIAL MEDIA RULES



- *Due to international investigations regarding the use of social networks in electoral campaigns, Google and Twitter announced new policies on their platforms.*
- **Twitter** has banned posts of political-electoral content, and **Google** has banned targeting posts based on interests and political affiliations.
- Superior Electoral Court (TSE) published several resolutions ruling the electoral process. Among them, **the Court prohibited the use of instant messenger applications to send mass messages**, regardless of the content. The penalties range from fines, which can vary from BRL 5 thousand – BRL 30 thousand and can even lead to the annulment of the party or the politician's mandate, if elected. Justice Alexandre de Moraes emphasized that he may lead to arrest.
- **Telegram** can be used by campaigns that seek to circumvent the guidelines on advertisements on social networks, since the company has no representation in Brazil and, therefore, has no direct link with the Brazilian rules on the dissemination of false content, such as Twitter and Facebook. The tool is already used by some political groups to engage their voters.

GOOD PRACTICES RECOMMENDATION

- Application of disciplinary measures for those who impede, hinder or fraud the exercise of voting (the law already prohibits actions of this type).
- Any request to support an electoral campaign, through the making, use, or distribution of gifts, basic food baskets, or any goods or materials that may benefit the voter, must be denied and communicated to your Compliance Department.
- Any request to support or hold events or show rallies must be denied and reported to your Compliance Department.
- Any deliveries of goods or public apparatus/sponsorships or events must undergo Compliance review (even if the action has already been formally concluded and analyzed by Compliance in the past and is now only the delivery).

FAKE NEWS

- In 2019, the National Congress passed [Law 13.834/2019](#), which punishes with 2 to 8 years in prison anyone who spreads fake news for electoral purposes. President Bolsonaro had vetoed the measure, but Congress overturned the vetoes.
- Congress also passed the law that repealed the National Security Law (LSN). The new [provision](#) provides for the criminalization of misleading mass communication. Bolsonaro vetoed the article, but Congress still needs to deliberate on the veto.
- The Superior Electoral Court (TSE) has issued resolutions explicitly prohibiting mass messaging with false advertising or communication. Also, the resolutions establish penalties ranging from fines to arrest and removal from political office. The TSE issued these resolutions after the Bolsonaro-Mourão case, when the Electoral Court recognized, for the first time, the illegality of using instant messaging to send mass messages.
- The TSE also established a court precedent, recognizing that the use of fake, defamatory, or slanderous information can lead to the removal from office. TSE issued this provision in the trial that annulled state representative Fernando Francischini's (PSL/PR) office, accused of spreading fake news about electronic ballot boxes during the 2018 elections.



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BRASÍLIA

SHIS QI 25 CJ 12 Casa 15
Lago Sul, Brasília – DF –
71660-320
+55 61 3223-2700



SÃO PAULO

Rua Ramos Batista, 152,
13º andar. Ed. Atlanta
Vila Olímpia, São Paulo
SP – 04552-020
+55 11 3044-5441



BELO HORIZONTE

Avenida Getúlio Vargas, 671, Cj. 7 a
12, Funcionários,
Belo Horizonte - MG,
CEP 30.112-020
+55 (31) 3657-7768