

*‘Leaflets’, memes, and chain messages: an exploratory study
about spam received on WhatsApp during the Brazilian
elections*

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1. Abstract

In the context of the 2018 Brazilian elections, WhatsApp had one of the main roles in the discussions involving the impacts for the internet for the political communication and digital marketing strategies used by campaigns. The political spamming within the platform became the center of discussions, above all after the newspaper *Folha de S. Paulo* published an investigative piece which indicated the existence of an alleged scheme of mass massaging in favor of the candidate Jair Bolsonaro. Before the repercussion of the Jair Bolsonaro mass messaging case and of the questions that were raised about the usages and impacts of WhatsApp during the electoral period, we articulated an exploratory study to shed light on the practices of political communication in this platform. From a digital inquiry, we collected 78 political spams received by voters via WhatsApp and SMS. The analysis of the material we received showed a great diversity among the messages. From images that reproduced traditional leaflets to chain messages and memes reflecting the intense political polarization we lived through in the electoral period, the content we collected were varied in format and discourses being spread, in addition to presenting a diversity of parties and candidates that appear connected to these materials. A closer look to this heterogeneity displays signs that sending messages with electoral content could have been both an institutional strategy from the campaigns themselves, as well as an organic and decentralized practice from supporters and online activists, feeding the hypothesis that political campaigns are organized in a propaganda network structure.

2. Introduction

The 2018 elections made it clear that the era of free political propaganda time on the television is in decline. In this process, it became evident that the expansion of the use of the internet and of the social networks transformed the dynamics of production, dissemination, and appropriation of political information reflected in a growing adoption by campaigns of digital strategies -- from buying ads in social networks to fake news and chain messages.

In this context, the use of **WhatsApp** was a protagonist in the campaigns. Part of this importance was propelled by the great repercussion of an investigative piece published by the newspaper *Folha de S. Paulo* in October 2018.¹ In it, the newspaper indicated that several companies allegedly hired services for sending mass messages (or spam) on WhatsApp supporting the then-candidate Jair Bolsonaro (PSL), with content against the Worker's Party (PT), weeks before the second round of the election run.

The limits of the actions employed by these companies were questioned, both by configuring a supposed undeclared campaign donation and by the obscurity of the origin of the database of telephones that were used, as it commercialization is prohibited. Beyond the legality outlines of this practice, several other questions arose in the public debate; among them, the relevance of this kind of campaign tactic for the election results, the content of these messages and who were the Brazilians that received them during this period.

These and other articles questioned the effects that this private (and cryptographed) messaging platform had on the dynamics and on the results of the electoral process,² whether through organic mobilization or as a tool used by

¹ MELLO, Patrícia Campos. Empresários bancam campanha contra o PT pelo WhatsApp. *Folha de S. Paulo*, Oct. 18 2018. Available at <https://www1.folha.uol.com.br/poder/2018/10/empresariosbancam-campanha-contra-o-pt-pelo-whatsapp.shtml>

² EL PAÍS. Os 'whatsapps' de uma campanha envenenada. *El País*, Oct. 28 2018. Available at <https://brasil.elpais.com/especiais/2018/eleicoes-brasil/conversacoes-whatsapp/>; RIGA, Matheus; BAGATINI, Olga. Disseminado pelo Brasil, WhatsApp deve ser canal decisivo nas eleições. *Estadão*. Available at

electoral campaigns. On the one hand, the diffusion of the app in the country³ and evidence brought by researches and journalistic investigations support the hypothesis that its use might have been decisive in some candidates' strategy (or, even, of a political field); on the other, WhatsApp's architecture is refractory to content analysis due to its end-to-end encryption, which hinders the public scrutiny on what has circulated on the platform. We also add to this analysis the difficulties of investigating the use of undeclared campaign resources.

Placed at the center of attention of the electoral debate, the political spam on WhatsApp, that is, **sending mass and unsolicited messages by campaigns** is a phenomenon that deserves significant attention. According to research made by Opinion Box, published in MobileTime, portal specialized in telecommunications, 26% of Brazilian citizens over 16-years-old received messages about politics from unknown numbers during the electoral period during the last year.⁴

The adoption of spam as a political marketing strategy, however, is not a new phenomenon nor is it exclusive of the 2018 elections or restricted to WhatsApp. In the referendum about the prohibition of commercialization of fire weapons in Brazil held in 2005, for instance, the practice of sending spam via

<<http://infograficos.estadao.com.br/focas/politico-em-construcao/materia/disseminado-pelo-pais-whatsapp-deve-ser-canal-decisivo-entre-candidatos-e-eleitores>>; MACHADO, Ana Paula. TRE-MG investiga Romeu Zema por uso indevido do Whatsapp. Exame, Oct. 24 2018. Available at <<https://exame.abril.com.br/brasil/tre-mg-investiga-romeu-zema-por-uso-indevido-do-whatsapp/>>; FOLHA DE S. PAULO. Campanha de Meirelles enviou WhatsApp a beneficiários do Bolsa Família. Folha de S. Paulo, 5 nov. 2018.

Available at

<<https://www1.folha.uol.com.br/poder/2018/11/campanha-de-meirelles-enviouwhatsapp-a-beneficiarios-do-bolsa-familia.shtml>>.

³ LINK ESTADÃO. WhatsApp chega a 120 milhões de usuários no Brasil. O Estado de S. Paulo, May 29 2017. Available at

<<https://link.estadao.com.br/noticias/empresas,whatsapp-chega-a-120-milhoes-de-usuarios-no-brasil,70001817647>>; SPAGNUOLO, Sérgio. Rede de Jornalistas Internacionais, 12 nov. 2018. Available at <<https://ijnet.org/pt-br/story/no-brasil-1-em-cada-4-internautas-recebe-not%C3%AAdcias-regularmente-whatsapp>>; DATAFOLHA. Eleições 2018: Uso de Redes Sociais. Instituto Datafolha, 2018. Available at <<http://media.folha.uol.com.br/datafolha/2018/10/27/44cc2204230d2fd45e18b039ee8c07a6.pdf>>

⁴ PAIVA, Fernando. 26% dos brasileiros afirmam ter recebido spam político por WhatsApp. Mobile Time, Dec. 10 2018. Available at

<<https://www.mobiletime.com.br/noticias/10/12/2018/26-dos-brasileiros-afirmam-ter-recebido-spam-politico-por-whatsapp/>>.

email had already been identified. A study which analyzed the digital strategies of the campaigns for “yes” and “no” identified that both used mass messaging for email lists.⁵ In these spams, the dissemination of conspiratory and disinformation discourses was also identified, related, above all, to the campaign for “not” prohibiting the commercialization.

In the 2018 case, after *Folha*’s article, companies and authorities were pressured to act, still under the cross-fire of the political polarization in the post-electoral period. Less than three months after the end of the elections, in February 2019, WhatsApp published a report about how they have fought spam techniques, sharing data and flow of information with people.⁶ Furthermore, looking to the phenomenon of digital communication during the elections, different research centers produced studies observing public groups of electoral character (that is, groups which are accessible from a link),⁷ diagnosing the application of automation and coordination techniques in some cases and, even, the significant stream of rumors, decontextualized and hyper-party information.

Before the repercussion of the case and also before these questions, we at InternetLab articulated an exploratory study about spamming practices on WhatsApp. In this report, we develop an

⁵ SORJ, Bernardo. Internet, espaço público e marketing político: entre a promoção da comunicação e o solipsismo moralista. *Novos Estudos*, São Paulo, n. 76, p. 123-136, Nov. 2006. Available at

<http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0101-33002006000300006&lng=en&nrm=iso>.

⁶ WHATSAPP. Stopping Abuse: How WhatsApp Fights Bulk Messaging and Automated Behavior. Feb. 6 2019. Available at

<https://www.whatsapp.com/safety/WA_StoppingAbuse_Whitepaper_020418_Update.pdf>.

⁷ One example of these initiatives was the project Elections Without Fake News of the Computer Science Department of the Federal University of Minas Gerais, which developed a system of monitoring public groups on WhatsApp. More info can be accessed on the project’s website:

<<https://www.eleicoes-sem-fake.dcc.ufmg.br/>>. About other studies on public groups see BECKER, Clara; MARÉS, Chico. Só 4 das 50 imagens mais compartilhadas por 347 grupos de WhatsApp são verdadeiras. Agência Lupa, Oct. 2018. Available at

<<https://piaui.folha.uol.com.br/lupa/wp-content/uploads/2018/10/Relat%C3%B3rio-WhatsApp-1-turno-Lupa-2F-USP-2F-UFGM.pdf>>; TARDÁGUILA, Cristina; BENEVENUTO, Fabrício;

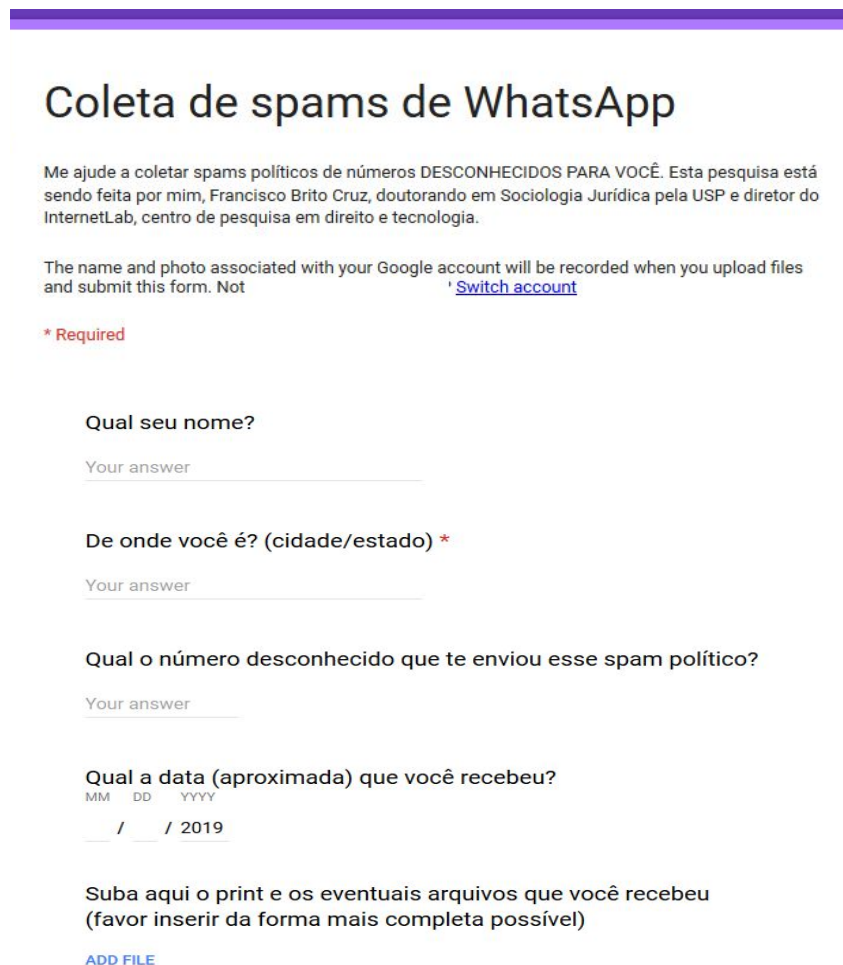
ORTELLADO, Pablo. Fake News Is Poisoning Brazilian Politics. WhatsApp Can Stop It. *New York Times*, 17 out. 2018. Available at

<<https://www.nytimes.com/2018/10/17/opinion/brazil-electionfake-news-whatsapp.html>>.

exploration on some of these issues, shedding light on the political communication practices in the platform.

3. Methodology

Considering the challenges of observing what occurs on WhatsApp *beyond the political groups*, we opted for a methodology that took into account the consent of users involved and whose focus would be to discover and catalog the tactics and practices developed by the political actors. Therefore, we spread through Facebook and Twitter a digital inquiry⁸ for voters to respond on whether they received messages about politics from unknown numbers during the electoral period and send us these responses.



Coleta de spams de WhatsApp

Me ajude a coletar spams políticos de números DESCONHECIDOS PARA VOCÊ. Esta pesquisa está sendo feita por mim, Francisco Brito Cruz, doutorando em Sociologia Jurídica pela USP e diretor do InternetLab, centro de pesquisa em direito e tecnologia.

The name and photo associated with your Google account will be recorded when you upload files and submit this form. Not [Switch account](#)

*** Required**

Qual seu nome?

Your answer

De onde você é? (cidade/estado) *

Your answer

Qual o número desconhecido que te enviou esse spam político?

Your answer

Qual a data (aproximada) que você recebeu?

MM DD YYYY

/ / 2019

Suba aqui o print e os eventuais arquivos que você recebeu (favor inserir da forma mais completa possível)

[ADD FILE](#)

⁸ The form can be accessed at https://docs.google.com/forms/d/e/1FAIpQLSfd4FvW9wBRXkaGzDcJwUkx2BEtSPGxv_InVOrhWc_r9g48w/viewform.

The form allowed the people who responded it to send a screengrab of the messages and eventual files sent by unknown numbers and it remained open to receiving responses since its launch in October 2018. It was even possible to inform a close date to when the message was received, as a way to situate the events during the course of the electoral period; the location of the responder as a qualification parameter for the database and as a way to identify the regions in which these spamming practices were being mobilized; and the number of the sender, in order to analyze the origin of these messages and possible mass sending strategies.

From March 2019 we began to establish a databank with the responses we received and proceeded to analyze them. We organized a spreadsheet with all of the responses and information about the location of the person who received the message, the number that sent it and its geographical origin, the approximate date of when it was sent, and the content that was in it.

We divided the answers according to the Brazilian regions from where the person who participated affirmed to reside, which revealed a prevalence in the number of replies received from the southeastern region in relation to other regions in the country. The comparison between this data and the DDD origin of the numbers that sent the messages also showed proximity among the senders and receivers of this sample.

The content of the messages was analyzed case by case, based on information related to their format -- classified as chain messages, images, videos, audio, and link sharing; regarding the candidates and parties that were related to the message; and to the discourse of the message itself. We also differentiated messages that were received via WhatsApp and SMS services, with WhatsApp being the prevalent platform.

The relationship between this content and the electoral campaigns related to them was also explored from crossing data from the list of candidates and parties that appeared in the results with data from the accountability of the

candidacies provided by the Superior Electoral Court (TSE) in its digital platform *DivulgaCandContas*,⁹ with the goal of investigating the adoption of direct marketing practices as an official and declared strategy by the campaigns.

This strategy provided us a portrait of spams that were passed around on WhatsApp and also via SMS which could not have been analyzed without the users' consent. However, this strategy has its own limitations. Firstly, the classification of what is or is not spam was not made in an objectively technical manner, but from what the responders themselves identified as spam: basically, messages with political content sent from unknown numbers. Secondly, the information through the form did not allow us to identify the origin of these messages, as in whether they were controlled by the official campaigns or not.

Lastly, given the dimension of the survey and the lack of statistical representation of the sample in relation to the total amount of voters, it is not possible to generalize conclusions or consider that the data produced by these answers provide a numeric portrait of what happened to all voters. In all truth, **the study aimed to shed the first light on a less than transparent but latent political communication, which is operated through private communication tools. It is an attempt to describe types of techniques and spam content that were seen in the electoral practice.**

⁹ The platform can be accessed at <<http://divulgacandcontas.tse.jus.br/divulga/#/>>

4. Results

As a result of the proposed survey, we collected 78 responses¹⁰ from all regions of the country, creating a database with a relatively diversified profile. Among the responders, the majority declared themselves residents of the southeast region (about 65%), yet we received responses from over 30 municipalities spread through the country's five regions. Among all of them, most people received messages from numbers from their own state or city.

The purpose of the study was to collect alleged spam messages sent via WhatsApp, still, 11 responders sent us spam received via SMS -- the preferred medium for spam before WhatsApp. As one of the scopes of the project was also to understand what was received on mobile devices, the SMS spams were included in the analysis database.

The survey surprised us for the diversity of the material we found and the discourses that were used. The connections of these messages also called our attention as they have a broad spectrum of associated parties, among them PDT, Solidariedade, PV, NOVO, Podemos, PSDB, PRTB, DEM, PSD, PT and PSL. In addition, candidates that appear in part of the materials were not only running for positions on the Executive branch but also on the state and federal Legislative branches.

Thus, if, on the one hand, it is not possible to outline a definitive portrait, on the other, a look over these materials offers an unprecedented perspective, which opens a new spectrum of questions for analysis and trails of research.

¹⁰ The majority of responses submitted to the form accompanied the attachment of a screenshot of the message and eventual files. On 6 of them, however, the responders only sent data related to the telephone numbers of the messages considered as spam, without sharing screenshots of their content.

a. Beyond “Bolsonarism”: who are the candidates who appear in our exploratory study?

With the publication of *Folha de S. Paulo* investigative article, one of the questions that were raised regards who could have also used this strategy. Had the communication through WhatsApp served only the PLS presidential and those connected to him or had it been a strategy disseminated among other campaigns? In 2017, BBC Brasil had already reported on the role taken by WhatsApp in the construction of a pro-Bolsonaro militancy network.¹¹ In this record, the instant messaging platform is considered as a relevant tool in the ascension of this new right-wing, captained by Bolsonarism, above all in the articulation of a propaganda network, built by a “mixture of hired coordinated effort and another, voluntary and spontaneous”.¹²

One of the characteristics that called our attention in the survey was the diversity of candidates and parties related to the material that was collected. As we mentioned previously, our sample has messages linked to politicians who ran in several electoral races in 2018: presidency, state government, Senate, Chamber of Deputies and Legislative Assemblies. **A total of 31 candidates were cited, connected to 11 different parties.** Differently from the initial hypothesis, the majority of candidates were not “fresh faces” in politics, but indeed experienced candidates who were running for their second or third election, and most of them had already exercised elective public positions in their municipalities and states. Among these ones, seven were in fact elected after the run. Romeu Zema, candidate for the government of the state of Minas Gerais was the only newcomer who appeared in our survey and was elected.

¹¹ FAGUNDEZ, Ingrid. Como exército de voluntários se organiza nas redes para bombar campanha de Bolsonaro 2018. BBC Brasil, May 26 2018. Available at <https://www.bbc.com/portuguese/salasocial-39837332> >.

¹² BRITO CRUZ, Francisco; VALENTE, Mariana Giorgetti. É hora de se debruçar sobre a propaganda em rede de Bolsonaro. El País, Oct. 22 2018. Available at https://brasil.elpais.com/brasil/2018/10/18/opinion/1539892615_110015.html >.

The different formats and discourses used by candidates running for distinct posts were also another aspect we found. From our databank and the content analysis, with their differences and convergences, we can see, in a general manner, a division between two major groups of messages which are considered spam: simple advertisement with the goal of publicizing the candidate, and more persuasive messages regarding the propositions of a candidate's government plan and ideological positions. This first group of messages, in which the candidate was being presented to the voter, appear mainly connected to candidates running for the Legislative Branch, especially those who had experience as City Counselors, as a way to spread their candidacies in the state. In the other group, the content was related to the political polarization that was underlying the electoral dispute and became apparent, above all, on the second round of the presidential run, becoming part of the speeches and the dispute that happened at that stage.

This difference might reflect a larger need of the candidacies for the Legislative Branch of being known by voters, presenting their name, number, and political affiliation. Now when we consider the Executive Branch posts, the image of these politicians and their number are, as a general rule, more consolidated among voters, leaving room for the predominance of discourses related to their projects and ideological positions.

The discovery of these practices and the existence of content related to candidates of several parties who ran in different electoral races raises the attention in our survey precisely for its diversity. Beyond the political articulation of a communication network of the new right-wing and the alleged mass sharings in favor of PSL's presidential candidate, the spams we collected through our questionnaire **reveal a more disseminated use of WhatsApp as a tool for political communication.** Even when an analysis of the messages we received is not capable of establishing if they were indeed the result of strategies used by the campaigns themselves, this diversity we identified points to a heterogeneous use of the platform.

b. The money trail: who declared their expenses on sending mass messages?

The diversity of styles, formats, and content of the messages we received encompasses more formal communications, automated and direct, which resemble a strategy of mass communication by a campaign, and even memes, images, and chain messages that allude to an organic communication between voters. This heterogeneity has signs that the sending of messages with electoral content might have been both an institutional strategy of the campaigns themselves, as well as an organic and decentralized practice from supporters, which, when combined, make the structure of a propaganda network.

If it is being operationalized by the candidate's own campaign, one of the sources of information about the adoption of this practice is the data of the Electoral Justice on the spendings of each candidate's campaign. Moreover, as indicated by a previous InternetLab report,¹³ expenses with sending emails and messages during the course of the electoral campaign were present in the reports sent by candidates to the Electoral Justice. Keeping this in mind, **we crossed the data from our survey to those made available by the Electoral Justice with the goal of identifying candidates who were found in the materials we collected that declared or not their expenses on mass messaging, whether by SMS or WhatsApp.**

When checking the accounting documents of the campaigns on the DivulgaCandContas¹⁴ of the Superior Electoral Court, we identified that among the 31 candidate names that appeared in the forwarded messages, only six declared expenses with sending messages in an explicit manner. Of those, five did not mention WhatsApp: four declared expenses with sending SMS messages,

¹³ BRITO CRUZ, Francisco; KIRA, Beatriz; MASSARO, Heloisa. Você na Mira Relatório #3: A campanha política nas redes: um retrato do impulsionamento de conteúdo das candidaturas eleitas à Câmara dos Deputados. São Paulo: InternetLab, 2018. Available at <<http://www.internetlab.org.br/wp-content/uploads/2018/11/Relatorio-Voce-Na-Mira-3-InternetLab.pdf>>..

¹⁴ <<http://divulgacandcontas.tse.jus.br/divulga/#/>>

and another declared in a general manner his expenses with sending “electronic messages”. Only one candidate expressly declared using the WhatsApp platform for sending messages. On the table below it is possible to see the data we found:

Table 1. Declaration of expenses with sending messages by candidates found in the materials we collected

Candidate	Type of message	Post	Did they declare expenses with sending messages? Of what kind?	Company	What is the declared amount? (R\$)
Almir Cicote	SMS	State Deputy (SP)	No		
Anastasia	WhatsApp	Governor (MG)	Yes, electronic messages through the official media	MK365 - Comunicação e marketing Eireli	25 thousand
Pedro Leitão	SMS	Federal Deputy (MG)	No		
Angelo Coronel	WhatsApp	Senator (BA)	No		
Jaques Wagner	WhatsApp	Senator (BA)	No		
Arnaldo Faria de Sá	SMS	Federal Deputy (SP)	Yes, SMS and WhatsApp	NXS Tecnologia e Serviços LTDA	69 thousand
Jair Bolsonaro	SMS and WhatsApp	President	No		
Carlo Caiado	WhatsApp	State Deputy (RJ)	No		
Claudio Gaspar	WhatsApp	Federal Deputy (SP)	No		
Da Luz	WhatsApp	Federal Deputy (BA)	No		
Dr. Gondim	WhatsApp	State Deputy (SP)	No		
Fernando Haddad	WhatsApp	President	No		
Jaime Bagattoli	SMS	Senator (RO)	No		
Joaquim Miranda	WhatsApp	State Deputy (MG)	No		
Leonído Bouças	WhatsApp	State Deputy (MG)	No		
Fabiano Tolentino	WhatsApp	Federal Deputy (MG)	No		
Marcello Richa	WhatsApp	State Deputy (PR)	No		

Marlon do Uber	SMS	Federal Deputy (SP)	No		
Henrique Meirelles	WhatsApp	President	Yes, SMS	Deep Marketing LTDA	2 million
Odelmo Leão	WhatsApp	Did not run	-		-
Osvaldo Mafra	WhatsApp	Federal Deputy (SC)	Yes, SMS	IKNOW 360 Comunicação Digital LTDA	6 thousand
Levi Cavalini	WhatsApp	Federal Deputy (SP)	No		
Ezequiel Teixeira	WhatsApp	Federal Deputy (RJ)	No		
Pedro Fernandes	WhatsApp	Governor (RJ)	No		
Professor Calasans Camargo	SMS	Federal Deputy (SP)	Yes, SMS	SMS Market - Soluções Inteligentes LTDA	1,2 thousand
Professora Nilse	WhatsApp	State Deputy (PA)	No		
Ricardo Mellão	WhatsApp	State Deputy (SP)	No		
Romeu Zema	SMS	Governor (MG)	Yes, SMS	CROC Serviços Soluções de Informática LTDA	200 thousand
Ronaldo Lessa	WhatsApp	Federal Deputy (AL)	No		
Caio Narcio	WhatsApp	Federal Deputy (MG)	No		
Lula	WhatsApp	President	No		

However, it is worth mentioning that the identification of these expenses depends on how they were declared by the candidacy, which is not always clear and standardized. In the available accounting documents on the DivulgaCandContas platform of the Superior Electoral Court, the expenses declared are classified by the campaigns themselves in standard sections that indicate the type of expense, like “boosting content” and “creating and including pages on the internet”, for instance. In addition to this classification, the campaign can detail the expense, including a description.

When analyzing the expenses of elected federal deputies, our previous studies already revealed problems in this declaring system. At that moment, we identified a possible confusion on the classification of the expenses under the “boosting content” section, indicating a lack of clarity of the campaigns and candidates when relating to the term and to the correct categorization of expenses. Moreover, expenses described as hiring direct digital marketing services for sending messages were classified as “boosting content”, even if the practice does not seem to exactly fit the definition of the term according to the electoral law.

This lack of clarity in the ways of declaring these expenses, above all those related to digital marketing strategies, can be an obstacle for the accountability of the campaigns. The classification of these expenses and their exact and detailed description relies on how each campaign chooses to declare them. Therefore, when considering mass messaging via WhatsApp which we are analyzing, it is possible that campaigns have adopted this strategy and declared these expenses without discriminating them in detail as such, making them harder to be identified. In addition, the uncertainty regarding the admissibility of this practice by the electoral legislation can also be a relevant factor in the decision of the campaigns of declaring these expenses as such.

On the other hand, it is also possible that candidates who appear in the messages we received did not use this practice in their campaign and were not even aware of it if the sharing of messages was an activity held by supporters. In this hypothesis, the sending of messages could be better understood as part of a structure of a propaganda network, which transcends the control of the official campaign machine. Under this frame of analysis, the articulation of different actors, in several platforms and digital space, acting for diverse motivations, would make a decentralized and wide network of communication and political propaganda, in which the official campaign machine would only be one of us. In this network dynamic, the production and dissemination of content do not depend and neither is controlled by a single irradiating center. Thus, sending

WhatsApp messages could have been a practice of several other actors who are just people like us on the web and that do not necessarily act under the control or association with the official campaign but merely in synergy with it.

c. Was it just rumor and criticism? The peculiarities of the material we collected and the diversity of disseminated content.

The content and the discourses disseminated through these mass messaging strategies and their intervention on the public opinion were some of the other questions we raised before the adoption of this practice by the campaigns. Would WhatsApp be allowing the dissemination of misinformation content (including fake news) with the potential to impact the results of the election? The private character of this communication tool, however, imposes restrictions for the analysis and comprehension of what effectively was passed around during the elections on WhatsApp, the origins of this communication (organic or campaign official), and the impact that it might have had.

The dimension of the survey we proposed is far from being a definitively answering these questions, yet, it allowed us to look over some of the messages received and identified by voters as spam, whether by SMS or WhatsApp. Thus, we could explore, even if in a limited manner, some formats, contents, and discourses of the messages that were forwarded.

The format of the content we collected was quite varied, the voters received text messages, audio messages, chain messages, links, SMS, and videos. Nonetheless, in addition to the content that was sent, our survey also identified what could configure a practice of massive inclusion of contacts in WhatsApp groups without the users' consent.

According to the responses we received through our form, these people would have been added by unknown (and various) numbers in similar groups that were presented as "in defense of democracy".



Image 1. Examples of screenshots we received indicating that the responders were added by unknown numbers in WhatsApp groups for “the defense of democracy”

The use of this strategy, whether by the campaign itself or by supporters, draws our attention because, differently from sending messages in which the communication with the voter is direct, it also includes a mobilization factor. Beyond allowing content to be shared without mass messaging, this practice enables the campaign or the supporters to build an organic network of debate and mobilization between the voters in the group.

At the same time, the authorship of this tactic should be seen with reservations. According to the data we collected, these invitations to groups “in defense of democracy” were made after the denounces of mass messaging made via WhatsApp by PSL’s campaign, which raises the possibility that this measure was taken with the goal of simulating the use of similar strategies to the ones being made public that were used by adversary campaigns due to the negative

repercussion of the case. Considering this, it is relevant to take into account that the justification given for the insertion of users in these groups according to their own description was related to the fact that the telephone numbers involved were linked to affiliated members of parties in the Superior Electoral Court. Nevertheless, the lists of affiliated members made available by the Superior Electoral Court do not have among their data in active transparency the telephone numbers of these citizens, but only their electoral region, registration number, state of residence, and date of affiliation to the party. Therefore, assessing if this tactic was real or a “sabotaging” strategy is an exercise that requires more evidence.

If, on the one hand, this diversity of messaging formats identified as spam is not so unexpected, on the other, one of the characteristics that most called out attention during the survey was the diversity of content and discourses, connected to several parties, candidates, and ideologies. We found “memes”, newspaper headlines, and groups destined to support discourses for the establishment and destruction of the public image of politicians or their government projects.

Still, a considerable part of the material we collected is the regular type of traditional campaign communication, showing the candidate, their number, and their slogan. In many cases, the style of the communication and even its aesthetics go back to the traditional leaflets made by candidates. This type of content was found mostly regarding the race for Legislative Branch posts. In many of those cases, the candidate also attached their image to one of the candidates to the presidency as a way to promote themselves, above all with the image of Jair Bolsonaro.



Image 2. Examples of messages received by responders with “traditional” campaign content.

The presidential race was a widely present element amongst the material we received, reflecting the strong political polarization Brazilians lived through on the public sphere during the electoral period, especially on the second round. This polarization has been around at least over the last three electoral runs, frayed from Dilma Rousseff’s impeachment. This disputes of narrative and the divergences of opinion and political attitudes of Brazilians are reflected in the communication and interaction dynamics on social media. According to a study that analyzed the diffusion of hyper-party news on Facebook, for example, were divided into two sides.¹⁵ On one, pages from left-wing parties and politicians, human rights NGOs, and black, feminist, and LGBT movements. On the other, pages of right-wing parties or candidates, related to economic liberalism and conservatism. The analysis of the user interaction pattern with these pages revealed the establishment of two poles that do not have any points of

¹⁵ RIBEIRO, Márcio Moretto; ORTELLADO, Pablo. O que são e como lidar com as notícias falsas. SUR, ed. Jul. 27 2018. Available at <http://sur.conectas.org/o-que-sao-e-como-lidar-comasnoticias-falsas/> >.

convergence, encouraging the radicalization of the narratives connected to “petismo” and “anti-petismo” (pro and anti Workers’ Party).

Beyond the connection of candidacies for the Legislative Branch to the image of the presidential candidates, several other discourses involving this element of polarization were disseminated. Our survey collected both messages of positive image building of candidates and their projects as well as negative electoral propaganda. In its majority, these messages communicated attacks to one of the candidates and their respective party, even reflecting on other races. Sometimes, this discourse was not necessarily persuasive for the vote on the adversary candidate but had only the purpose of “counter-campaign”.

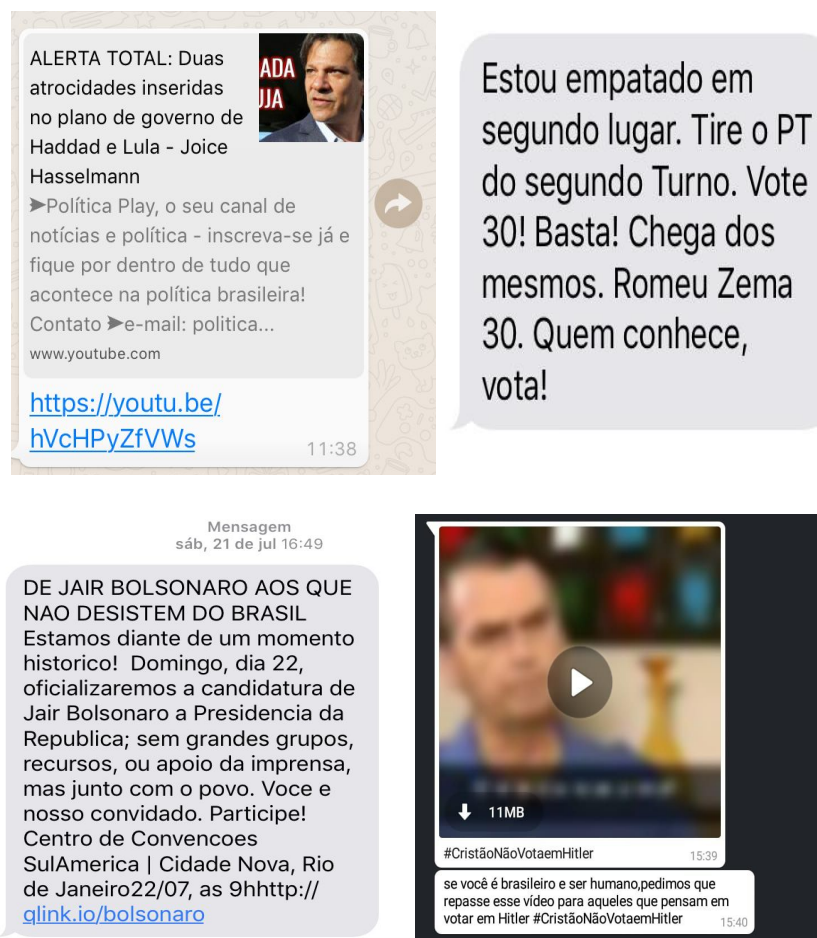


Image 3. Examples of messages we received with content related to the presidential race

The tone of the discourses related to the presidential campaign was also quite varied, from the direct presentation of propositions with a more official character, to more informal and/or appellative messages for building support or distorting the image of the adversary's propositions, almost alluding to a race between voters.



QUEM É A FAVOR DE ACABAR COM SUA FAMÍLIA:

	HADDAD	BOLSONARO
KIT GAY	A FAVOR	CONTRA
CENSURA DA IMPRENSA	A FAVOR	CONTRA
FIM DA LAVA JATO	A FAVOR	CONTRA
SUSTENTAR ARTISTA	A FAVOR	CONTRA
ESTATIZAÇÃO DA ECONOMIA CONTINUANDO O PROJETO DA DILMA	A FAVOR	CONTRA
SOLTAR BANDIDO DA CADEIA	A FAVOR	CONTRA
ABORTO	A FAVOR	CONTRA
Defender marginal	A FAVOR	CONTRA
DROGAS	A FAVOR	CONTRA
TRANSFORMAR O BRASIL NA VENEZUELA	A FAVOR	CONTRA

JOÃO 8:32
E conhecereis a verdade, e a verdade vos libertará.

06:17

RESUMO DAS PRINCIPAIS PROPOSTAS

ECONOMIA

- Redução de ministérios
- Fim do aparelhamento do estado e dos ministérios por políticos
- Prestação de conta dos ministérios
- Liberalismo econômico, não se restringindo ao Marcosul
- Agregar valor ao nosso minério de exportação (não exportar apenas como matéria-prima)
- Melhorar a infraestrutura
- Incentivo fiscal e subsídios aos produtores rurais
- Desburocratização da abertura de empresas
- Redução gradativa da carga tributária
- Simplificação e unificação de tributos federais

MUDA BRASIL, MUDA DE VERDADE

PRESIDENTE BOLSONARO17
Voto General MOURÃO

EDUCAÇÃO BRASIL, ACIMA DE TUDO, DEIXE ACIMA DE TODOS. PSL, 1978

DEVIDO A DESCOBERTA DE CAIXA 2 NA OPERAÇÃO LAVA ZAP, BRASILEIROS QUE APOIAM BOLSONARO FOGEM DA POLÍCIA FEDERAL.

EU SOU AQUELE DE CAMISA PRETA ALI NO MEIO.

Image 4. Examples of messages we received with content related to the presidential race

Some of the materials also questioned the results of the first round of the dispute, using untruthful information. In the most iconic example, the message alleged that null votes do not exist in elections using voting machines, which meant that the Superior Electoral Court owed explanations to the Brazilian population regarding the number of null votes in the presidential election. The chain, in spite of using a persuasive tone, spread disinformation, communicating fake information about null votes, which are a possibility granted to the voter in the voting machine as well.

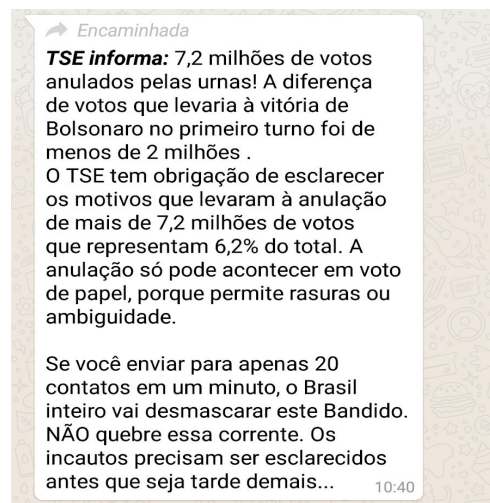


Image 5. Examples of the chain messages we received questioning the results of the first round.

There were also pulverized messages delegitimizing the media repercussion of the dual dispute between PT and PSL, associating larger importance to the legislative votes. The case below shows one of these messages, in which the dissatisfaction of the public opinion with the political stakeholders in posts of the Executive Branch:

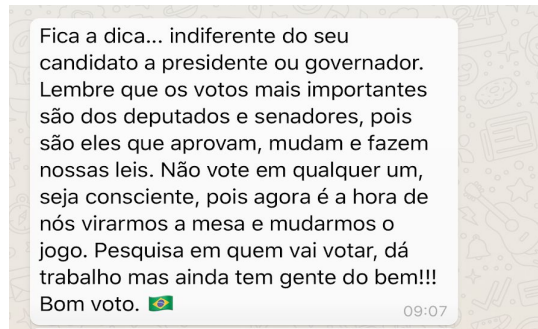


Image 6. Example of a message we received associating larger importance to the legislative votes

It is important to highlight that some of the content we received is not explicitly connected to a party or candidate. They often were opinions without a clear signature or campaigning character with the goal of winning votes, even though they were directly positioned regarding the main candidates to the presidency of the republic and to state government posts. It is the case of the majority of images, “memes”, and videos, including the message about null votes we discussed above.

Among these contents without an explicit signature or political-partisan affiliation, there is a significative presence of an attacking discourse toward candidacies and parties. Beyond the polarization that marked the presidential race, these counter-campaign discourses also appeared in other electoral disputes, as was the case in the elections for the government of the state of São Paulo. Our survey collected repeated videos with messages against the candidate Paulo Skaf, a possible reflection of the concentration of materials we received from the state of São Paulo, but they did not present any other candidate. Although we do not have access to the full content of the video, these messages draw our attention for having exactly the same content and being sent in close days, September 12th and 13th 2018, from telephone numbers with the US prefix.

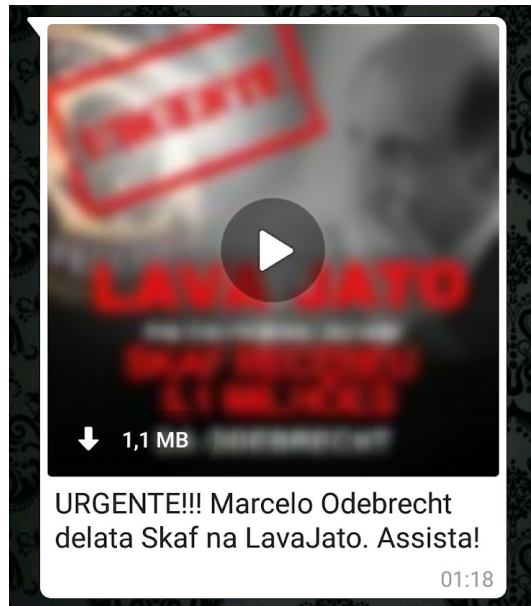


Image 7. Screenshot of the video against the then-candidate Paulo Skaf

The presence of characteristics like these ones in our survey, even the international prefix of the sender's telephone, bring to the surface elements that can indicate that part of these messages was indeed sent as a result of mass messaging. Notwithstanding, the diversity of contents and formats we described stands out precisely for not only corroborating with this hypothesis but also for encompassing multiple possibilities of political communication via WhatsApp that could have been used in the electoral period. The use of the platform for the mobilization and communication of voters could have been used not only by campaigns as an official strategy but it also could have been the result of an organic mobilization of voters. The origins and the way of disseminating these contents can be multiple, supporting the narrative of a structure of political communication in a network format, which seems to be reflected in our survey.

d. The limits of legality: sending mass messages, the electoral legislation, and the regulation of platforms

In the universe of several usages and forms of political communication via WhatsApp which are reflected in our database, the strategy of sending mass messages requires some attention regarding its juridical conformity. Its legitimacy outlines can be analyzed from two normative frameworks, which do not exclude each other but are complementary, the **national legislation** -- above all, the electoral -- and the **policies and terms of use of the platform**.

In the scope of the state law, the limits of the legality of sending mass messages via SMS or WhatsApp are imprecise and raise issues related to the conformity of this practice before the rules of electoral propaganda on the internet and the origin of these databases with the telephone numbers used to send the messages.

i. Is the political spam provisioned by law as a form of electoral propaganda?

The 2017 small electoral reform altered article 57-C of the Elections Law to include the boosting of content as the only allowed form of paid political propaganda on the internet. Even if the delimitation of this term is not clear, allowing debates on what would be considered “boosting content”, the sending of mass messages through WhatsApp or SMS does not seem to fit this hypothesis.

According to article 57-C, paragraph three, of the Elections Law (Law n. 9.504/97), the “boosting” should be a digital marketing product offered by the **internet application provider**, and not by a third-party. This definition on its own would exclude the hypothesis of mass messaging via WhatsApp, once the platform does not offer itself this service, and also via SMS, which is not a service offered by an internet application provider but by connection providers.

In fact, spamming is not a service offered by the communication tools and platforms themselves, but a service executed by third-parties who take advantage of a preexisting communication platform.

In the cases involving private communication platforms, that is, those in which the content is not publicly accessible, we have already argued that the idea of “boosting” is not applicable.¹⁶ Under this perspective, “boosting” would be a term used to describe the marketing activity and sale of advertisement space in platforms that have their content publicly on the web, serving to increase the exposition of certain contents to users with certain profiles. In these cases, receiving a message is not **necessary, but possible in case the user of the profile uses the platform in the period hired for the exposition of the content**. This is not the case with spam, which necessarily is a message sent to an address.

However, it is necessary to admit that the Elections Law is vague when it comes to the concept of “boosting”, which also leaves room for arguing that this direct marketing modality via WhatsApp or SMS fits in a more broad reading of the category. In this hypothesis, the use of these tools for mass messaging could also be seen as a violation of **article 57-B of the Elections Law**. This provision prohibits the use of **digital tools which are not made available by the internet application provider** to alter the character or the **repercussion of the electoral propaganda**.

In spite of the controversy, this spamming tactic actually finds its connection with **article 57-B of the Elections Law**. While article 57-C establishes that the boosting of content is the only form of paid propaganda

¹⁶ This argumentation can be found both in TRINDADE, Rodrigo. WhatsApp é o novo spam de email: para resolver, tem de ir atrás do dinheiro. UOL Tecnologia, Oct. 2018. Available at <<https://noticias.uol.com.br/tecnologia/noticias/redacao/2018/10/31/whatsapp-e-o-novo-emailaplicativo-nao-deve-ser-tratado-como-rede-social.htm>> and BRITO CRUZ, Francisco; SILVEIRA, Hélio Freitas de Carvalho da Silveira; ABREU, Jacqueline de Souza; ANDRADE, Marcelo Santiago de Pádua; VIEIRA, Rafael Sonda; OLIVA, Thiago Dias. Direito Eleitoral na Era Digital. Belo Horizonte: Casa do Direito, 2018.

allowed on the internet, article 57-B has a list of forms through which electoral propaganda can appear on the internet.¹⁷ Its item III purveys that the electoral propaganda can be made “through **electronic messaging** to addresses which are freely registered by the party, candidate, or coalition”. Item IV of the same article authorizes electoral propaganda made through **instant messaging websites and internet applications** since the content has been created by the “candidates, parties, or coalitions”, or by any natural person considering that they do not hire a boosting of content.

ii. *Data protection and the limits of the voter’s consent: how does the law approach records with personal information?*

The legality of this strategy depends, still, on the consideration of other additional factors. A careful analysis also needs to be made regarding the **origin of the telephone or electronic addresses records** that were used to send the spam and the ways in which this data of voters from all over the country was obtained. In the scope of the electoral legislation, practices of selling, donating or assignment of databases of electronic records for electoral purposes. **Article 57-E, paragraph 1**, of the Elections Law, **prohibits in a broad manner the selling of electronic addresses records**. On the other hand, **article 57-E caput** does not allow legal persons listed on article 24 of the same law to **use, donate, or assign “electronic records of their customers in favor of candidates, parties, or coalitions”**. Since the ADI 4650 (Direct Action of Unconstitutionality) assessment which prohibited donations from companies to

¹⁷ Article 57-B has a list of ways through which electoral propaganda on the internet can be made without expressing its character previously as “paid” or “not paid.” Article 57-C, however, prohibits all and any form of paid electoral propaganda on the internet, except for “content boosting.” So, to better understand this prohibition to the “paid” propaganda on the internet, it is necessary to read both articles. The list of article 57-B encompasses practices of electoral propaganda such as communication via an official website, social network, and electronic messages, which are not essentially without cost. Expenses with marketing strategy, content production, web domain, and hiring staff by the campaigns, for instance, are necessary so that these forms of propaganda are effective. Thus, when the law talks about “paid electoral propaganda on the internet,” our interpretation is that it is referring to buying media spaces for advertising, as it is the case with boosted content.

electoral campaigns,¹⁸ companies of the private sector are considered on the list of article 24, even if they are not expressly listed. Notwithstanding, the applicability of article 57-E's *caput* to these companies is still a grey area, depending on an interpretation that qualifies records or databases as acquired value o controlled by campaigns.¹⁹

Another point of controversy regards the databases of electronic addresses of natural persons. The **consensual** sending of electronic messages by natural persons, whether on private conversations or WhatsApp groups, does not suffer the restrictions of the electoral legislation according to article 28, paragraph 2 of the Superior Electoral Court's resolution n. 23.551/2018. The assignment and donation of these databases, however, is another issue. On the one hand, They can be seen as resources which should be treated as campaign donations. On the other, as we are dealing with personal data, their treatment should be analyzed under the light of the principles and rules on the topic, respecting the provisions of the Federal Constitution, of the Internet Civil Rights Framework, and of the General Data Protection Law.²⁰

In general terms, when it comes to the **autonomy of the data subject**, candidates could only make the type of campaign we observed from their own or other natural persons databases, collected and used within the **limits of the consent** of their subjects. Still, sending electronic messages for campaigns should also be in accordance with the voters' consent. According to **article 57-G** of the Elections Law, candidates, parties, and coalitions are submitted to an **unsubscribe duty**, enabling the receiver to choose not to receive any more messages.²¹ The surprise registered by the voters in part of our survey, however,

¹⁸ On the ADI's assessment, see

<<http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=300015>>

¹⁹ BRITO CRUZ, Francisco; SILVEIRA, Hélio Freitas de Carvalho da Silveira; ABREU, Jacqueline de Souza; ANDRADE, Marcelo Santiago de Pádua; VIEIRA, Rafael Sonda; OLIVA, Thiago Dias. Direito Eleitoral na Era Digital. Belo Horizonte: Casa do Direito, 2018.

²⁰ BRITO CRUZ, Francisco; SILVEIRA, Hélio Freitas de Carvalho da Silveira; ABREU, Jacqueline de Souza; ANDRADE, Marcelo Santiago de Pádua; VIEIRA, Rafael Sonda; OLIVA, Thiago Dias. Direito Eleitoral na Era Digital. Belo Horizonte: Casa do Direito, 2018.

²¹ Ibid.

shows that the use of their data and the sending of messages did not only happen in cases of consent.



Image 8. Example of a screenshot that registers an alleged unconsented message sending to a voter.

iii. How does WhatsApp treat mass messaging?

Besides the uncertain scenario regarding the electoral legislation, mass messaging and some of the practices related to it can find obstacles in the platform's own policy, as it happens in the case of using tools that hinder the identification of the origin of the number that is sending WhatsApp messages. This tactic was even identified in the responses submitted to InternetLab's survey, as numbers did not have the identification of their state of origin in their telephone prefix or had international codes. According to a BBC news article, the use of numbers with the US prefix is one of the strategies used to hinder the identification

of the number used by companies that offer these mass messaging services.²²

In WhatsApp's case, both the practice of direct marketing and the change of number and obstacles to its identification harm the platform's term of use policy. The non-personal use of the application's services without authorization and the sending of automatic messages, mass messages, automatic calls and the like are explicitly considered "illicit uses" of the platform in their terms of service.²³

Moreover, before the beginning of the 2018 electoral period, the company shared its guidelines for the responsible use of the platform with all political parties.²⁴ Among the recommendations, the importance of respecting the user's consent if reinforced, while the use of contact lists from third parties and the massive and automatic sending of messages are indicated as practices to be avoided. Also, in February of this year, the company released a report on how they have fought abusive behaviors on the platform, such as mass messaging and automatic actions, emphasizing that this is a practice to be countered.²⁵ In addition to harming WhatsApp's policies, the sending of mass messages goes against the platform's own architecture. Therefore, to distribute a mass content, it is necessary to counter this architecture, resulting in behaviors that the platform aims to identify as abuse signs. Due to the end-to-end encryption, the adopted measures follow these behaviors from the accounts and to user complaints. Machine learning systems were built to detect abusive behaviors in the moment of registration, from patterns of message sending

²² MAGENTA, Matheus; GRAGNANI, Juliana; SOUZA, Felipe. Eleições 2018: Como telefones de usuários do Facebook foram usados por campanhas em 'disparos em massa' no WhatsApp. *BBC Brasil*, Oct. 20 2018. Available at <<https://www.bbc.com/portuguese/brasil-45910249>>.

²³ WhatsApp terms of service can be accessed at <https://www.whatsapp.com/legal/?lang=pt_br#terms-of-service>.

²⁴ The guidelines for responsible use of WhatsApp can be accessed at <<https://faq.whatsapp.com/en/general/26000240/?category=5245250>>.

²⁵ WHATSAPP. Stopping Abuse: How WhatsApp Fights Bulk Messaging and Automated Behavior. Feb. 6 2019. Available at <https://www.whatsapp.com/safety/WA_StoppingAbuse_Whitepaper_020418_Update.pdf>.

and behavior on the platform, and by the number of user complaints. According to the platform, around two million accounts were banned monthly due to abusive behavior between November 2018 and February 2019.

All of these nuances in the consideration of the conformity of mass messaging via WhatsApp in relation to the electoral legislation and to the platform own policies point to an uncertain scenario regarding the legality of the adoption of this type of strategy by candidates. This insecurity can be a relevant factor in the decision made by campaigns of officializing and making this practice public, even though the express declaration of expenses under this description. By expressly declaring the use of this mechanism in their accounting provision, would the candidate be violating or assuming to be violating the electoral legislation and the platforms' policies? In the same way, the private character of this communication does not allow its content to go under direct public scrutiny. Thus, the analysis of the legality of these messages and the actions of the Electoral Justice are only made possible from the time when one of the parties involved in this private communication reveals or denounces its content.

5. Final Considerations

Aiming to shed light on the practice of political communication via WhatsApp, this exploratory research is part of a larger collective researching effort being developed at InternetLab, along with projects like *Você na Mira*²⁶, *Electoral Rights in the Digital Era*²⁷, and *#OtherVoices*²⁸. Looking to the new political communication dynamics which are developing and transforming from the internet's and new social media emergence, these researches have the objective of tracing diagnoses on the digital campaigns of the 2018 elections, mapping regulatory issues and imagining possible recommendations and solutions to protect fundamental rights and democratic principles.

Following the discussions held under the influence of social networks in the dynamic of the 2018 elections, an attempt to synthesize these diagnoses and data was through the mobilization of the concept of structured propaganda networks.²⁹ The hypothesis here is that it applies not only to Jair Bolsonaro

²⁶ *Você na Mira* is an InternetLab project in partnership with the British organization WhoTargets.Me. From a data collection tool for boosting data on Facebook, the goal of the project is to monitor the microdirecting of political propaganda on the platform, leading to more transparency on the campaign tactics and promoting a discussion on the use of Facebook in electoral contexts. As a result, from the data collected by the tool and of the expenses declared to the Electoral Justice we published three reports during the electoral period which analyzed the use of content boosting tools by campaigns and some directing practices. More information on the project and the reports can be accessed at <http://www.internetlab.org.br/pt/projetos/voce-na-mira/> >

²⁷ A project developed by InternetLab to bring experts on internet policy and electoral law closer to discuss under a regulatory perspective the transformations brought by the internet to the electoral campaigns. The result was the publishing of the book *Electoral Law on the Digital Era*, built from the activities developed by a study group formed by electoral lawyers and researchers to discuss the recent changes on the electoral law and their applications on the digital environment. The project can be accessed at <http://www.internetlab.org.br/pt/projetos/direito-eleitoral-na-era-digital/> >.

²⁸ *#OtherVoices* is a project with the goal of mapping, monitoring and recording, during the electoral period, cases and discussions about gender, race, sexuality, regional origin and social class and their relation to politics and the internet. The project began in the 2016 municipal elections and the report of this period can be accessed at <http://www.internetlab.org.br/pt/projetos/outrasvozes-genero-raca-e-classe-nas-eleicoes-municipais-de-2016/> >.

²⁹ BRITO CRUZ, Francisco; VALENTE, Mariana Giorgetti. É hora de se debruçar sobre a propaganda em rede de Bolsonaro. *El País*, Oct. 22 2018. Available at https://brasil.elpais.com/brasil/2018/10/18/opinion/1539892615_110015.html >.

campaign but also helps to explain the dynamics of political and electoral campaigns that have been evolving from the internet and new social media.

By looking to WhatsApp and some of the practices of political communication that happened in the platform, this exploratory study brings new elements to this diagnosis. The analysis of the diversity of content, formats, discourses, and political-partisan affiliations of the messages we received feed the hypothesis of political campaigns organized in a network and bring contributions to the analysis and comprehension of this network, its ties, and relations.

The interpretation of the results of this study along with the descriptions about network activism in the digital campaign on the one hand, and the revelations about mass sharings not declared to the Electoral Justice, on the other, can support two ideal scenarios. The first is that these contents are being circulated in a decentralized dynamic of network political communication, with no control by the campaigns central structure. The second is that these factors are part of a coordinated tactic of dissemination of false discourses. The differentiation between these two scenarios, however, requires the observation of other evidence that is not provided by this research, like the identity of who sent messages and their connection to the campaign, even if illegal, in concrete terms. Therefore, making this differentiation is a task that can only be used case by case.

Notwithstanding, one should be cautious when mobilizing these scenarios in an isolated manner to draw diagnoses of campaigns and electoral results. On one side, one should not idealize the operation of structures and campaign coordination that happen outside of the public scrutiny, even when it comes to the injection of undeclared financial resources. On the other, a simplistic and conspiratory explanation of a decentralized campaign dynamic which contemplates the presence of an intense and emergent digital activism present in the two poles of the Brazilian political polarization.

In general terms, **a description of the functioning of digital campaigns in this context should consider both situations (and all levels of possibilities between them) as possible, admitting that among the components of the campaign network there could be dynamics which are different from control, coordination, tactic alliance, or even just synergy.**

To better understand the functioning dynamics of digital campaigns, however, more researching efforts are necessary. If the conceptual framework that is mobilized is one of a propaganda network structure, understanding this network, its formation and its functioning demands efforts and investigations in several fronts. Whether to understand what is being disseminated on this network, how it is disseminated, and what is its impact on the public opinion or to investigate what are the ties and stakeholders of this network, how they are interconnected and mobilize the several tools and communication platforms available. The questions raised here are many and varied. This study enlightens part of these questionings and opens new perspectives for more in-depth analysis and investigations to be developed.

Even if limited in its national scope, the analysis and diagnoses enabled by this preliminary research guide questions of regulatory matters that should also be explored. Three of these deserve to be highlighted:

- (i) **the imprecise declarations in the Electoral Justice system of expenditures** regarding digital political marketing;
- (ii) **the lack of a direct channel for denounces and inspection** of electoral spam; and
- (iii) **the need to incorporate rules and parameters of data protection** in the electoral legislation.

The ascertainment of the candidacies that declared expenses with sending messages via WhatsApp or SMS reinforced the existence of a certain confusion

and lack of clarity in the system for declaring the expenditures related to digital marketing tools. This flaw had already been noticed by the analysis³⁰ of expenses with “content boosting” declared by the campaigns of federal candidacies. With the development of new dynamics of political communication that use these digital marketing tools and become more and more expressive, however, it is necessary that the declaration of values directed to these tools becomes more precise.

The existence of clearer items and the express obligation for these services to be declared as such and described in a precise and detailed manner is essential for the transparency of digital campaigns. The implementation of a declaration system that includes information on the tools and strategies of digital marketing used by campaigns and the values directed to them will provide clearer data for researches and for the development of regulatory practices, enabling the public scrutiny on these practices and favoring the qualified inspection by the Electoral Justice on the digital campaigns.

In the case of sending mass messages through digital communication tools such as WhatsApp, it is not only necessary for the expenses with this practice to be declared in an express and detailed manner but it is also important that a direct channel for voters to denounce illegal uses of this tool is created. In these cases, as we are dealing with private communication tools, the information provided by parties in this communication is the only way so that illegal activities, such as sending non-consensual messages and disseminating illegitimate content reach the Electoral Justice. Thus, in order to improve the inspection of these tools, it is necessary for the Electoral Justice to establish a direct channel for denouncing spam.

³⁰ BRITO CRUZ, Francisco; KIRA, Beatriz; MASSARO, Heloisa. Você na Mira Relatório #3: A campanha política nas redes: um retrato do impulsionamento de conteúdo das candidaturas eleitas à Câmara dos Deputados. São Paulo: InternetLab, 2018. Available at <<http://www.internetlab.org.br/wp-content/uploads/2018/11/Relatorio-Voce-Na-Mira-3-InternetLab.pdf>>

Lastly, a third regulatory topic derives from the issues raised from the origin of the databases used for direct marketing and the previous consent from voters regarding the availability of their telephone numbers to receiving digital material from campaigns. These questions point to a need of specifically regulating the collection, processing, use, and sharing of personal data by the electoral campaigns. The General Personal Data Protection Law (passed in 2018) establishes a framework for personal data protection in the country, still, the peculiarities of the electoral scenario require specific rules to be adopted in this context. Therefore, the formulation of a specific electoral regulation for data protection that reflect the rules, principles, and parameters consolidated within the General Law is necessary, contemplating strategies of transparent scrutiny of the origin of the data used by political parties and candidates, and the safety of the privacy of identification data from citizens along the Superior Electoral Court.

6. Attachments

Attachment 1. List of materials we received via our online form³¹

Responder's region	City/State	Region of the spam sender	Date ³²	Type of content	Does it mention any party? Which one?	Does it mention any candidate? Which one(s)?	Candidate's running position
Central-West	Distrito Federal	Central-West (DF)	Unidentified	Chain	No	No	
Central-West	Goiânia GO	Southeast (SP)	Unidentified	Image	No	No	
Northeast	Olinda PE	Southeast (SP)	Unidentified	Audio	Unidentified	No	
Northeast	Salvador BA	Southeast (SP)	26/9/18	Chain +Video	No	Yes, Ângelo Coronel and Jaques Wagner	Senator
Northeast	Campos Sales CE	Unidentified	14/10/18	Chain +Video	No	No	
Northeast	Tracunhaém PE	Northeast (BA)	4/10/18	Image	No	No	
Northeast	Maceió AL	Central-West (GO)	Unidentified	Image	Yes, PDT	No	Federal Deputy
Northeast	Maceió AL	South (PR)	20/9/18	Image	No	No	
Northeast	Teresina PI	Unidentified	Unidentified	Image	No	No	
Northeast	Ceará	Southeast (MG)	Unidentified	Image	No	No	
Northeast	Olinda PE	Northeast (PE)	Unidentified	Image	No	No	
Northeast	Jaboatão dos Guararapes PE	Southeast (MG)	12/10/18	Image	No	No	
Northeast	Goiânia GO	Southeast (SP)	Unidentified	Image	No	No	
Northeast	João Pessoa PB	Southeast (SP)	20/8/18	SMS	Yes, PSL	No	
Northeast	Salvador BA	Unidentified	3/10/18	Video + Image	No	Yes, Da Luz and Jair Bolsonaro	Federal Deputy and President

³¹ In order to protect the data of senders and receivers, we did not make links available to all the collected material (screenshots and archives sent through the online form). To have access to these materials, contact francisco@internetlab.org.br

³² TN: European format

Northeast	Vitória da Conquista BA	Unidentified	Response without uploaded material				
Northeast	Vitória da Conquista Ba	Unidentified	Response without uploaded material				
North	Rio Branco AC	North (AC)	Unidentified	Chain	Yes, PSL	Yes, Jair Bolsonaro	
North	Pará	North (PA)	16/9/18	Chain	No	Yes, Professora Nilse	State Deputy
North	Porto Velho RO	Unidentified	3/10/18	SMS	Yes, PSL	Yes, Jaime Bagattoli	Senator
Southeast	São Paulo SP	Southeast (SP)	Unidentified	Audio	No	Yes, Jair Bolsonaro	President
Southeast	Osasco SP	Central-West (GO)	Unidentified	Chain	No	Yes, Pedro Fernandes	Governor
Southeast	São José dos Campos SP	Southeast (SP)	17/8/18	Chain	No	Yes, Ricardo Mellão	State Deputy
Southeast	São Paulo SP	Southeast (SP)	Unidentified	Chain	No	Yes, Jair Bolsonaro	
Southeast	Uberlândia MG	Unidentified	21/9/18	Chain	No	Yes, Joaquim Miranda	State Deputy
Southeast	Itaúna MG	Unidentified	18/9/18	Chain+ Image+ Video	No	Yes, Leonído Bouças and Fabiano Tolentino	State Deputy and Federal Deputy
Southeast	Rio de Janeiro RJ	Southeast (SP)	11/9/18	Chain+ Video	No	Yes, Pedro Fernandes	Governor
Southeast	Rio de Janeiro RJ	Southeast (SP)	Unidentified	Chain+ Video	No	Yes, Pedro Fernandes	Governor
Southeast	Rio de Janeiro RJ	Southeast (SP)	Unidentified	Chain+ Video	No	Yes, Pedro Fernandes	Governor
Southeast	Minas Gerais	Southeast (MG)	3/9/18	Chain+ Video	Yes, PSDB	Yes, Caio Narcio	Federal Deputy
Southeast	Nova Iguaçu RJ	Northeast (PI)	7/9/18	Chain+ Video	No	Yes, Meirelles	President
Southeast	Minas Gerais	Southeast (MG)	15/8/18	Chain+ Video	No	Yes, Lula	
Southeast	Diadema SP	Southeast (MG)	Unidentified	Chain+ Image	No	Yes, Almir Cicote	State Deputy
Southeast	São Bernardo do Campo SP	Southeast (MG)	Unidentified	Chain+ Image	No	Yes, Dr. Gondim	State Deputy
Southeast	Uberlândia MG	Unidentified	Unidentified	Chain+ Video	No	Yes, Odelmo Leão	Did not run
Southeast	Uberlândia MG	Unidentified	Unidentified	Chain+ Video	No	No	
Southeast	São Paulo SP	Southeast (SP)	5/8/18	Chain+ Video+ Image	No	Yes, Jair Bolsonaro and Mourão	

Southeast	São Paulo SP	Southeast (SP)	Unidentified	Group	Yes, PT	Yes, Fernando Haddad	President
Southeast	São Paulo SP	Southeast (SP)	19/10/18	Group	Yes, PT	Yes, Fernando Haddad	President
Southeast	São Paulo SP	Southeast (SP)	Unidentified	Group	Yes, PT	Yes, Fernando Haddad	President
Southeast	São Paulo SP	Southeast (SP)	19/10/18	Group	Yes, PT	Yes, Fernando Haddad	President
Southeast	São Paulo SP	Southeast (SP)	Unidentified	Group	Yes, PT	Yes, Fernando Haddad	President
Southeast	Rio De Janeiro RJ	Southeast (SP)	Unidentified	Image	Yes, DEM	Yes, Carlo Caiado	State Deputy
Southeast	São Paulo SP	Southeast (SP)	12/9/18	Image	No	No	
Southeast	São Paulo SP	Southeast (SP)	13/9/18	Image	No	No	
Southeast	Rio de Janeiro RJ	Southeast (SP)	Unidentified	Image	No	No	
Southeast	São Paulo SP	Southeast (SP)	Unidentified	Image	No	No	
Southeast	Rio de Janeiro RJ	Northeast (MA)	11/10/18	Image	Yes, PODE	Yes, Pastor Levi and Ezequiel Teixeira	Federal Deputy
Southeast	São Paulo SP	Southeast (SP)	6/10/18	Chain+ Image	No	Yes, Claudio Gaspar	Federal Deputy
Southeast	São Paulo SP	Southeast (SP)	Unidentified	Images	No	Yes, Jair Bolsonaro	President
Southeast	Belo Horizonte MG	Southeast (MG)	Unidentified	Link	Unidentified	Unidentified	
Southeast	São Paulo SP	Southeast (SP)	Unidentified	Link	Unidentified	Unidentified	
Southeast	São Paulo SP	Northeast (RN)	Message sent by mistake to the receiver				
Southeast	São Paulo SP	Southeast (MG)		Image	No	No	
Southeast	São Gonçalo RJ	Southeast (SP)	21/7/18	SMS	No	Yes, Jair Bolsonaro	
Southeast	São Paulo SP	Southeast (SP)	Unidentified	SMS	Yes, PSL	Yes, Jair Bolsonaro	President
Southeast	São Paulo SP	Unidentified	4/10/18	SMS	No	Yes, Marlon do Uber	Federal Deputy
Southeast	Belo Horizonte MG	Unidentified	5/10/18	SMS		Yes, Romeu Zema	Governor
Southeast	Belo Horizonte MG	Unidentified	Unidentified	SMS	Yes, PSDB	Yes, Anastasia	Governor

Southeast	São Paulo SP	Southeast (RJ)	5/10/18	SMS	No	Yes, Arnaldo Faria de Sá	Federal Deputy
Southeast	Belo Horizonte MG	Southeast (MG)	4/10/18	SMS	No	Yes, Anastasia and Pedro Leitão	Federal Deputy
Southeast	São José dos Campos SP	Southeast (SP)	27/9/18	SMS	No	Yes, Professor Calassan Camargo	Federal Deputy
Southeast	Marília SP	Southeast (MG)	27/9/18	Video	Unidentified	Unidentified	
Southeast	São Paulo SP	Southeast (SP)	Unidentified	Video	Unidentified	Unidentified	
Southeast	São Vicente SP	Southeast (MG)	Response without uploaded material				
Southeast	Campos dos Goytacazes RJ	Southeast (RJ)	Response without uploaded material				
Southeast	Rio de Janeiro RJ	Southeast (SP)	Response without uploaded material				
Southeast	São Paulo SP	Unidentified	Unidentified	Video	No	Yes, Jair Bolsonaro	President
Southeast	São Paulo SP	Northeast (RN)	Unidentified	Chain	No	Yes, Jair Bolsonaro	President
Southeast	São Paulo SP	Central-West (GO)	Unidentified	Chain+ Video	No	No	
Southeast	Belo Horizonte MG	Unidentified	Unidentified	Chain	No	Yes, Jair Bolsonaro	President
South	Chapecó SC	South (SC)	18/9/18	Chain+ Video	No	Yes, Osvaldo Mafra	Federal Deputy
South	Porto Alegre RS	South (RS)	3/10/18	Link	No	No	
South	Maringá PR	Northeast (BA)	Unidentified	Image	No	No	
South	Curitiba PR	South (PR)	6/10/19	SMS	No	Yes, Marcello Richa	State Deputy
South	Ronda Alta RS	Central-West (MT)	15/10/19	Video + Image	No	No	
South	Paulo Lopes SC	Unidentified	Response without uploaded material				