

**OPENING CEREMONY SPEECH  
FOR THE NEW SEMESTER OF THE ELECTORAL JUSTICE**

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Let me inaugurate this new semester by offering my due and deserved solidarity to the families of the 550,000 people dead in Brazil as a result of the pandemic. We are facing a world humanitarian tragedy, particularly aggravated among us by local circumstances.

As we have been witnessing, many democracies are under pressure. Democracy was the triumphant ideology of the 20th century, having defeated all the alternative projects: communism, fascism, Nazism, military regimes, and religious fundamentalism. As we entered the 21st century, democracy was crowned as the culmination of the institutional evolution of humanity.

Recently, however, in different parts of the world, there have been discussions of democratic recession, democratic regression, and illiberal democracies. Examples have multiplied: Hungary, Poland, Turkey, Russia, Ukraine, Georgia, Philippines, Venezuela, Nicaragua, and, more recently, El Salvador.

They are all countries in which there has been a democratic erosion not by a coup d'état, but by popular leaders elected by vote, and who, once in power, conduct the deconstruction of the pillars of democracy, brick by brick: concentrating powers on the Executive branch and seeking to demonize the press and to colonize constitutional courts that operate independently. It is a relatively standard recipe practiced in various parts of the world.

The world watches the development of three phenomena, which, when gathered, turn out to be extremely dangerous: populism, extremism, and authoritarianism. No country is immune from this degeneration of democracy. Democrats around the world are thus aware of what is happening.

In Brazil, after more than two decades of dictatorship, we managed to build the fourth largest populated democracy in the world. And, in more than three decades of

duration of the 1988 Constitution, we have achieved institutional stability, monetary stability, and an expressive degree of social inclusion that took place under the democratic regime, despite the economic recession faced since the end of 2014. Many generations of Brazilians have dedicated themselves to the democratic project, which is the project of popular sovereignty, free elections, the rule of law, separation of powers, and respect for the fundamental rights of all.

Contemporary democracies are made of votes, of respect for fundamental rights and of high-quality public debates. The threat of not holding elections is an antidemocratic conduct. To suppress fundamental rights, including those of environmental nature, is an antidemocratic conduct. To sully the public debate with disinformation, lies, hatred, and conspiracy theories is an antidemocratic conduct.

There are things going wrong in the country and we all need to be alert. We need institutions and we need civil society, both, to be very attentive.

We have already overcome the cycles of institutional backwardness, yet some latecomers would like to go back to the past. And part of these strategies includes attacking institutions. One of the manifestations of authoritarianism in the contemporary world is precisely the attack on institutions, including electoral institutions that guarantee a legitimate process of selection to the highest positions in the Republic.

In the United States, for example, inflated by the defeated president, 50% of Republicans think that President Biden's unequivocal victory was rigged. These narratives, founded on lies and conspiracy theories, are precisely intended to pave the way for the breach of constitutional legality. In the United States, it resulted in the dramatic invasion of the Capitol, with many deaths committed by extremists and led irrationally by irresponsible leaders. Oh yes, and lest anyone is fooled: in the United States the vote is printed or recorded on a ballot. Printed vote is not an adequate restraint for coups.

Here at the Superior Electoral Court (TSE, acronym in Portuguese), we adopted the posture of responding, promptly and correctly, to all false information concerning the court and the electronic voting system. We did it with the invaluable help of the Information Technology Unit and the Office of Social Communication, coordinated by the Secretary General Office. Also worth mentioning are fact-checking agencies, which have been outstanding partners. They are people who make a lot of effort every day, so that we do not turn into the country of official lies.

We provide answers with facts, evidence, knowledge, and science, and with no flourishes nor rants. The truth only frees those who want to be freed. As to those who choose to chain themselves to the belief that a lie repeated many times becomes the truth, we can only hope that they will someday be enlightened by good. Until then, they will be perennially prisoners of evil.

As for the personal references to me, I treated them with the possible indifference. I chose, in my life, to be an agent of the civilizing process and to push history in the right direction. If I start to quarrel out, I'm going to make myself equal to everything I want to transform. I live for the good and to make a better and bigger country. Hatred, lies, aggressiveness, rudeness, threats, and insults are failures of the spirit. The universe gave me the blessing of not cultivating feelings and attitudes of this nature.

As a matter of fact, today all former living presidents of the Superior Electoral Court have publicly manifested themselves in favor of the integrity of our electronic voting system and against the introduction of printed voting due to the risks of breaches of confidentiality and fraud. They signed a public note, sober and civilized, that leaves no doubt about what we consider right, fair, and legitimate. As it turns out, this is not a position supported exclusively by the president of the TSE, but by all the former presidents and all the Justices of the TSE. The obsession with me doesn't make any sense and, above all, it's unrequited.

We had to continue refuting successive fake news about the Brazilian electoral system. All old, amateurish, nothing new. It is starting to get tiring, but we can't succumb.

Observe some of the lies renewed and which I deny here very briefly once again. The first is the claim that the Brazilian system is used only in Bhutan and Bangladesh. The news-checking agencies and the International Institute for Democracy and Electoral Assistance (IDEA) report that more than 23 countries use electronic voting machines.

Another frequently repeated untruth is that the Brazilian system could not be audited. It can be audited tens of times, starting from the public security test, in which we deliver the voting machine to experts so that they try to overcome its security barriers, with the participation of political parties, the Prosecutor General, the Brazilian Bar Association, the Federal Police, at the time of designing the program with digital signature and sealing by all entities, preventing any type of tampering. It is the only

moment in the Brazilian electoral process in which there is human manipulation, but under the supervision of all interested parties.

We had to refute an allegation that, stimulated by misinformation, people acting in good faith repeat—that the investigation is carried out in a secret room of the TSE. It is a statement made by those who have no idea how the system works. People who live by arguing absurdities. In the Brazilian system, the outcome of the elections is released at 5 pm, when the voting machine prints out the ballot report, indicating the voting of all the candidates received in that machine, in that specific electoral zone, where that machine is located. From that moment on, the outcome of the election already exists. Candidates already have information on how many votes they have received. The TSE does the tallying because Brazil has about 5,600 municipalities and, therefore, it is done by a supercomputer.

But it is a mistake, a fantasy, to believe there may be fraud in the dispatch of this data. First, because it's done on an encrypted internal network. And second, because it is always possible to check the ballot reports that have already been printed and published. This is the Brazilian printed voting, with the results being published on the TSE website, and the reports are posted on the internet so that any citizen, any voter, can compare the report that comes out of the voting machine with what was released by the Superior Electoral Court.

The claim that the technology of the electronic voting machine has been the same since 1996 comes from those who do not follow anything that is actually happening and who have no commitment to facts. The security of the voting machines are improved and renewed annually, with the help, among others, of those who participate in the public security tests searching for vulnerabilities to be fixed.

As for the claim that the hacker's arrest indicates the possibility of hacking into the TSE's system, it must be recognized that in the contemporary world all systems are subject to attacks: banks, the NASA, the FBI, oil companies, meatpacking companies. We never said that it is not possible to hack into the TSE system. We take all the precautions, and there has never been any relevant invasion, but only invasions that captured unimportant administrative data. But still, this is undesirable and we are strengthening cybersecurity. However, allow me to repeat it a thousand times, if necessary: the Brazilian electronic voting machine is not connected to any network, it is not connected to the Internet, it is not subject to remote access. Therefore the eventual

invasion of the TSE system is unable to change the outcome of elections because the voting machines are at no time subject to remote access and, therefore, to hacking.

As for the allegation that the TSE and its president would have interfered with the Legislative Branch, I would like to say that I attended the Chamber of Deputies after insistent invitations from the Special Commission, from the chairman of the Special Commission, from the Congressman that introduced the printed voting bill, and from the eminent President of the Chamber of Deputies, Congressman Arthur Lira, who came to this Court and made the invitation in person. Thus, I didn't offer to go to Congress. I went to Congress to debate at the invitation of parliamentarians. I was very well received. The Chamber of Deputies, the Parliament, dignifies democracy because there is no democracy without an actively functioning Parliament. And, therefore, we participate in a frank, honest debate, of people who want the best for Brazil and who are not just concerned with what argument they will use if they lose next elections.

And finally, an observation I would like to make especially to the people acting in good faith – because as to people of bad faith all we can hope for is that one day their spirits will be enlightened by good. But to the people of good faith, I would like to explain why the printed vote is not a desirable audit mechanism. And the reason is very simple: printed voting is less secure than electronic voting. One should not develop an audit mechanism that is less secure than the object being audited.

The history of Brazil has always been the history of electoral fraud, from the Monarchy to the Republic. In 1996, with electronic voting machines, we finally eliminated the risk of electoral fraud in Brazil. No fraud was ever documented. And whoever promised to present evidence that there was fraud did not do it. Because they don't exist, because it didn't happen, that's not a truthful narrative.

But the printed vote – we're going to have about 150 million voters – in addition to the cost of buying the printers, in addition to the environmental impact of the 150 million printed votes, they need to be transported. In a country with cargo thefts, in a country with militias, in a country with organized crime and mafia, we will transport votes through the streets and roads. In remote places, votes go by boat, canoe, on foot. Therefore, there is the risk of disappearance and suppression of the ballots.

Furthermore, they will have to be stored for weeks, and most and worst of all, the idea of a manual recounting of 150 million votes will take us back to the past of frauds from which we freed ourselves: when ballot boxes disappeared or were inflated with false votes, when inspectors would swallow ballots during the counting. Just ask

any electoral authority who has presided over an investigation board to find out what it was like and what we got rid of since we moralized the Brazilian electoral system with electronic voting.

Other countries do not adopt electronic voting, they keep the paper voting, it's true. These are countries that didn't face the problems we had: systems controlled by local elites, harassed voting, vote buying, gerrymandering, openly fraudulent counting.

In the current Brazilian circumstances, printed voting will be an open door to breaking the secrecy of vote because it will bring the entire composition of the vote for president, senator, federal deputy, governor, and for state deputy. In a country where votes are still being bought, it will be possible to know in the recounting whether the purchased vote has been delivered. We will encourage the control by powerful local people, we will encourage the militia, we will encourage vote buying. And, of course, we would face the immense risk of fraud that we freed ourselves from.

It is for this reason that the TSE—all its presidents and the incoming presidents who are already known—stands against printed voting as it can harm Brazilian democracy. Therefore, I hope that people of good faith understand that this is a risk, this is a step backward, this is not the will of someone who really cares about Brazil.

I would also like to acknowledge the projects that are underway in our Court at the beginning of this second semester. We will continue to fight, as we have been fighting, fake news and disinformation, monitoring the press and social networks, promptly disproving what needs to be disproved. We hold partnerships with major social medias to monitor the inauthentic coordinated behaviors and to remove misinformation. We hold partnerships with news-checking agencies, which have been crucial partners in our effort to prevent informational terrorism from compromising democracy. We keep our *Fact or Rumor* page on air for the immediate denial of false news relating to the TSE and the electoral process.

We have initiatives related to gender equality, TSE is part of the national observatory of women in politics, we recently created in the Chamber of Deputies, the *Entre Elas* project and we are launching a beautiful campaign starring actress Camila Pitanga on “more women in politics” and against gender violence. We have other important initiatives: the national digital identity document, which started at TSE during the administration of Justice Dias Toffoli, and which we have now managed to take off, with a database of almost 120 million biometrics, including facials.

And tomorrow we are signing an agreement with the National Council of Justice for the database to be used for the biometric identification of prisoners. With the advancement of national identity document, all Brazilians will soon be able to have digital identification on their cellphone, simplifying their lives. And, therefore, an app that can have an identity card, Social Security, voter registration card, making life easier, and will prevent fraud and facilitate the identification of people who use public services and databases. These are our important projects throughout the semester, in addition to a campaign in defense of democracy and transparency in our electoral process.

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