



Capítulo 94

How Crowdfunding influences the spread of Fakes News in Brazilian elections

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ABSTRACT

This article presents an analysis of Resolution No. 23,607 of the Superior Electoral Court in the new form of contribution and donation to political parties which we call Crowdfunding, thus influencing the communication and marketing of electoral campaigns, in addition to the dissemination of information and Fakes News , about the electoral candidates in the Brazilian elections, always focusing on how much democracy influences the whole process of false information and its financing. The adopted methodology was the research on the subject in Brazil and in the world making a relation between the technological methods of financing, donations and information through digital platforms, which concludes that there is no separation between values, donations and dissipation of information between the most used networks in electoral campaigns, since we can launch a false campaign through sponsorship or even hiring professionals who do it quickly.

Keywords: Crowdfunding, Fake News, Elections.

1 INTRODUCTION

Looking at the scenario of the last elections around the world, it was noted that the development of technology is increasingly bringing a great influence on the election results in the face of the dissemination of information, especially the false ones, which we call Fake News, transmitted mainly by digital platforms, messaging applications among others. However, it is that general knowledge that every election campaign needs a financial investment, and with the advent of technology, the same platforms that dissipate false information, collect funds or donations for campaigns, making us analyze how Crowdfunding can influence the Fakes News of municipal campaigns 2020.

2 ELECTIONS AND DIGITAL PLATFORMS

In view of transparency and legitimacy of donations throughout the country, the Superior Electoral Court (TSE) aims to discipline the collection of spending and resources by political parties to candidates in the election campaign, as well as accountability to justice. Donations were standardized by TSE Resolution No. 23,607/2019, which compiles the provisions of the Law of Elections of Law No. 9,504/1997, the Law of Political Parties No. 9,096/1995 and the Electoral Code Law No. 4,737/1965, in addition to the Federal Constitution, making financial resources legal, according to the laws, norms and rules set out in the TSE.

Art. 3 of Law 23,607 of 2019 states that the collection of funds for election campaigns of any nature should observe some requirements where candidates need to register the application; registration in the National Registry of Legal Entities (CNPJ); opening of a specific bank account to record the campaign's financial movement and the issuance of electoral receipts, accordance with the provisions of Article 7 of this Resolution. In the event of priced donations in cash and donations over the Internet will be guided by Law No. 9,504/1997, art. 23, 4º, III, "b". Remembering that in article 4, the limit of spending on the campaigns of candidates for mayor and councilor elections, in the respective constituency, equivalent to the limit for the respective positions in the 2016 elections, updated by the National Broad Consumer Price Index (IPCA), measured by the Brazilian Institute of Geography and Statistics Foundation (IBGE), is stipulated, or by index that replaces it (Law No. 9,504/1997, art. 18-C).

We live in constant transformations and since 2000, it seems that technology has never evolved as much as since 2015. We increasingly use our mobile phones as a form of payment, conversations, information, purchases, among others. According to Neil Patel, the largest "influencer" specializing in the field of communication, marketing and designer of the year 2020, states on his website that:

Digital platforms are business models that work through technologies. It is an online environment that connects those who produce to those who consume, allowing an exchange relationship, far beyond the simple purchase and sale. They can be used for work, leisure and entertainment. (Source: <https://neilpatel.com/br/>)

We then consider as a digital platform any and all programs that can be informed, transmitted and reproduce information, as well as do activities such as purchases and payments. Since the political system is a set of doctrines that are generally persistent, explaining in a justification the way leadership in the system, politics has as its primacy the leadership and legitimacy, of which it is not seen in digital platforms, here treated as social networks of communication. Today there are several studies in the area of communication that have focused, for example, on analyzing the impact of new technologies on political communication and public debate around topics related to politics that seek to understand the discourses and actions of politicians and their parties in various media (PFETSCH, 2011; SVENSSON, 2011).

Currently, almost all countries in the world have been using all digital platforms, mainly considering them from social networks, to build what we call "Political Personas" that determines as personality the

individual, presenting themselves to others as real, but which in fact is a variant sometimes very different from the true identity of the person who is behind the platform, contributing to the dissipation of ideals of all kinds, including manipulated and Fakes News, in addition to voter capture. It is proven that there is perhaps not the true self, but rather a character willing to plant hatred or even information that could damage a successful trajectory of an electoral candidate. Except that it is under this logic of digital populism that anger and hatred are produced, through the expression of negative feelings, creating and uniting people with the same objectives, therefore, contrary to what is thought, in digital platforms separate information donation, becomes essential to ensure the legitimacy and primacy of the election campaign, thus fulfilling its function in the electoral system.

As long as there is a democracy in which leaders are chosen by vote, it is natural for the human being to contradict the choice, as well as to bring questions about the legitimacy of the vote, the process, and the people who are there for the common good. However, it is known that since 2010 technology has been present in the entire electoral process, thus reducing the maximum human contact in counting votes, in the calculation of results and even in the process of being able to make politicians for their respective positions.

After Donald Trump's presidential election in the United States of America in 2016, where The Fakes News have made large proportions, and the realization that no one else can run out of instant communication through mobile phones, computers, televisions and other highly technological devices; the 2018 presidential election in Brazil, brought discussions about this impartiality, neutrality in which electronic polls have in our elections, thus generating several posts (dissemination of image, video or text on social networks) where the then presidential candidate Jair Messias Bolsonaro called "the truth" about the elections on their social networks.

Thinking about this dissemination of fake news the TSE in the 2020 elections has partnered with the main platforms used in the country to prevent the contagion of Fakes News, note that when considering digital platforms, we are talking about applications (App's) and social networking sites such as Twitter, WhatsApp, Telegram, Facebook, SMS among many others that exist in the market, where information goes viral in seconds, being correct or not. Here are some of these partnerships and actions:

- WhatsApp: creation of a form to report suspicious or false accounts; suspension of accounts on social networks; Chatbot creation (computer program that tries to simulate a human being in conversation with people) on WhatsApp Business, developed for free, at no cost to the court.

- Facebook: availability of the tool "Megafone" for dissemination, in the days before the election, messages to Brazilian users about the 2020 elections, especially about the organization and health security measures on the day of the vote.

- Instagram: creation of drawings, emoticons, stickers with the theme of municipal elections; online courses that trained servers and collaborators of the Superior Electoral Court and regional electoral courts on the measures to combat disinformation adopted by the platform and how to act and promote communication about electoral processes.

- Google: includes access to official and public utility information for elections 2020; answers to frequent questions about how to take the voter title, how to vote in a pandemic year, and the health care that should be adopted in favor of a safe election on panels available on the internet and on Youtube.

- Twitter: creation of a resource in the search field of the platform that whenever a search is done for topics related to the elections, the first result, will be a notification and access to a TSE page with useful information about the organization of Elections 2020, in addition to linking emojis, drawings to thematic hashtags of the election period, emojis, drawings will be activated with the use of the hashtag #Eleições2020.

- Tik Tok : a page was created to centralize reliable information about the 2020 Municipal Elections. It also provided training to the TSE Communication team on the best use of the platform, giving all the necessary support for the production of videos in the ideal language for network users.

3 CROWDFUNDING AND DEMOCRACY

Crowdfunding is a term that determines crowdfunding that consists of obtaining public interest capital by individuals through multiple forms of financing and donation. The term is often used to specifically describe actions on the internet with the aim of raising money for artists, citizen journalism, small businesses of emerging companies, free software initiatives, philanthropy and aid to disaster-stricken regions, among others. Not leaving aside the election campaigns in the country. We can compare them to the "kitty" online.

The approach to democracy and political capital in the electoral environment is something very complicated, especially when it comes to campaigning. It is worth noting, that in addition to the inequality of dispute between candidates, because of the distribution of the electoral fund and the collection of Crowdfunding we are living the "virulence of Fakes News".

The increasingly common use of social networks and their communities in the form of support and political dissemination can be influenced by ideological issues. In a global context, a good example is the more intense use of networks by populist parties in Germany when compared to opposing parties (KRATZKE, 2017).

Users of these networks and followers of these communities generally have well-defined profiles, as in the case of Austrian teenagers who follow populist parties. Behavior-oriented characteristics were

more strongly related to the follow-up of populist parties. In demographic terms, evidence was found that students with less schooling and men were more likely to follow the populist parties (HEISS & MATTHE, 2017).

In the period of election campaign it is possible to verify that candidates and political parties instead of disclosing their government plans, their qualities, their proposals, exchange accusations about ideologies, involvement in corruption schemes etc., this when debates take place, when then in 2018 the presidential candidate Jair Messias Bolsonaro attended only two debates and decided not to participate in any more. This year in 2020, the municipal elections of São Paulo had only one debate and the television stations suspended without a plausible reason why the other debates were canceled.

To do politics with democracy, we need our freedom to manifestation of thought, debate or political discussion, after all, voters want an electoral program in which morality and ethics are present, weakening a campaign full of personal attacks on the honor of candidates, which does not extrapolate the limits imposed by electoral and constitutional legislation with defamatory advertisements, claiming to live up to freedom of expression and that if during the electoral process this occurs should generate a series of sanctions, among them, the right of reply, fine, adequacy or withdrawal of propaganda etc., since this freedom is not unrestricted to the extent that it reaches the dignity of the other.

However, in the absence of information from some media and the excessive use of others, it has become a very harmful practice to the voter due to the speed at which technology disseminates all this. The use of social networks that enable the dissemination of this information is increasingly distorted, polarizing and generating hatred among people.

The Fake News, the establishment of hatred and political polarization end up generating a very great impact on democracy causing invaluable damage to the legitimacy of elections and the maintenance of democracy, because many voters do not know how to differentiate what is true information from false information, and of course this influences the moment of making collection through virtual donation.

It is noteworthy that the lack of more information and details about what is crowdfunding for the entire population generate doubts and mistrust in the current political scenario, because there was a sudden change in electoral legislation and the population in its minority learned of these changes.

However, in the midst of so many corruption scandals that plague the country and exaggerated political polarization, coming from a disgruntled and disbelieving population in general, often the voter ends up becoming discouraged to make their donations, because the amounts distributed as special campaign finance (FEFC) is a millionaire and is concentrated in the "hand" of a few, which generate great revolt in people.

4 DIGITAL MILITIAS

Several endearings were authorized in the investigation 4781, an inquiry initiated by Ordinance GP No. 69 of 14 March 2019, by the Honorable Minister President, pursuant to article 43 of the Internal

Rules of the Supreme Court, which deals with the investigation of the Fakes News, where false reports of crimes, slanderous denunciations, threats and various other offences covered by animus slander, diffamandi or injuriandi achieve the honorability and security of the Supreme Court and its members; and the investigation of the existence of financing and mass disclosure schemes on social networks, with the aim of harming or exposing the danger of injury to the independence of the judiciary and the rule of law.

Investigations lead to the belief that there is a criminal association dedicated to Fake News with hate content and attacks on democracy. Investigations tend to show that the financiers of these attacks are people and andmpresários who provide sufficient resources for this criminal organization to act, including disseminating and disseminating offensive and fraudulent news through publications, giving boost on social networks through paid sending, reaching an audience of millions and millions of people in seconds, as the platforms inform us, in order to expose to danger and injury the independence of powers and the rule of law. Still, the parties and candidates can go in search of hiring auxiliary tools and applications so that their posts have greater reach on social networks within the rules of good use of information; as well as communications, marketing and press advisories that oversee all information before distributing it in bulk.

Electoral crowdfunding, added to the expansion of digital marketing strategies, to the decrease in street election advertising, along with the changes resulting from Law No. 13.165/2015, to the reduction and limitation of electoral spending ceilings (Law n. 13.165/2015 and Law No. 13.488/2017), the intense use of social networks, the permission to boost election campaign on the Internet (Law n. 13.488/2017), the maintenance of the prohibition of donations by legal entities, to the electoral fund whose distribution to candidates is tied to legal and partisan criteria (Law n. 13.488/2017), will allow new names, without political history, have a chance to get revenue for their campaigns more quickly and directly.

This criminal association, called " digital militias", aims, a few years ago, to carry out a huge money laundering, mainly through courses, events (lives, webinar, talk show, etc.) online, in addition to the creation, dissemination of specific sites for Crowdfunding , as stated by Ministro Alexandre de Moraes, rapporteur of investigations in superior Tribunal Federal. The Minister reiterates that the development and distribution of courses, events, and the development of websites for virtual kitty, which capture donations, are ways in which millions and millions of money are being laundered. He described how donations are made during these events, always at the same value and within the limit allowed to escape surveillance. As a rule, sand does this laundering and ends up cleaning up this money, which will return as a rule as donations, including electoral. Moraes recognizes that the investigation continues to cross data between the competent agencies and social networks, to reach new stages and that this mapping is important so that the Electoral Justice can curb this type of sponsorship mechanism the Fake News and actions inherent to party campaigns.

Throughout the last campaigns, the topic of fraud has been discussed several times, commented, as shown by the disclosure of September 5, 2018, the then presidential candidate Jair Messias Bolsonaro, posts a video in which he talks about the topic. By spreading to his followers, he announces "More truths about

the possibility of fraud in electronic voting machines". By having knowledge of the entire digital process of the polls, of social networks, and by emphasizing the "most truths", in the plural, Jair Messias Bolsonaro made his voters, at the time, conjecture in their truths, from him then, where the spargization of false information and fraud in the polls are actually possible through the financing of people opposed to him.

All the polarization of Brazilian politics and the various corruption scandals and the involvement of the alleged intervention in the judicial police to gain access to information and investigations, seeking to turn it into a political police, led to the generation of Inquiry No. 8802 (BRASIL, 2020c), under the rapporteurship of Minister Celso de Mello, in the Supreme Court, reopening the discussion about the constitution and the growth of the so-called digital militias, shedding light on its executive arm, the nickname office of hatred whose control, management and financing are the subject of another investigation in the same Court (BRASIL, 2020).

As we have seen, the digital militias acted heavily in the 2018 elections, an excellent option to prefer the use of WhatsApp's private networks, an easy-to-use application that spreads messages secreted by encryption very quickly, which only allows the recipient to undress and replicate them, in an endless network that proved extremely efficient (NEMER, 2019).

Currently, according to the Civil Framework of the Internet, digital platforms will only be held responsible if they do not comply with a court decision to remove content for example, not being held responsible for the content posted there, because they are considered content distributors, and the user is responsible for that information, false or not. However, for the 2020 elections, as seen, they took some steps to prevent, curb and distribute the Fakes News, in addition to avoiding the billion-dollar donation through Crowdfunding, in addition to campaigns in all media of the Superior Electoral Court alerting the Brazilian population around checking the information before passing it on and in doubt not passing on, in addition to checking donation sites.

5 CONCLUSION

According to Vinicius Maximiliano, author of the first literary work in Brazil on the subject, "More simplistically, it is nothing more than using your digital social network to, through the digital dissemination of your project, ask for donations in exchange for prizes for people who would like the goal to be achieved. A great value prorated by thousands becomes very little for those who contribute, for, much to those who, adding everyone, receive. This is the basic principle of crowdfunding." The idea of crowdfunding is not to focus on the lack of a project, but on its power.

With years of criticism and debate, it led to the filed of ADI 4,650, where it then banned donations made by companies. To help came the mini-reform in 2017 where the TSE, edited Resolution 23.553/2017 that began to admit, from the 2018 elections, the collection of financial resources through crowdfunding with changes in the party fund, creating a fund for campaign financing. However, law 23.553/2017 was

repealed by law 23.606/2019, where candidates must pay to the new standards and requirements. With this the political sector created other methods in order to fill the gaps left by the lack of donation of companies.

We note that most of the amounts of public money go to political parties, through the party fund or through the electoral fund. These are high values if we take them compared to other countries. The creation of the Electoral Fund does not inhibit the possibility of the cash 2 effect financed by companies. All this makes democracy more affect because, major political parties continue to perpetuate in power. Some countries like Portugal are regulating the Legal Regime for crowdfunding (Law No. 102/2015, of August 24), believing that this will inhibit external factors for the misuse of collection.

The question for the post-2020 elections, where technology will be even more present, is that how can we prevent donations from sponsoring electoral crime or fakes news? Currently, when creating a collection campaign on websites and applications, it is necessary to set a collection goal within the electronic kitty sites, which must be achieved for the project to be made feasible. If the funds raised are below the goal, the project is not funded and the amount raised back to its donors, donors that will be widely identified through new technologies, and with the integration of information between the agencies the money raised will also follow a path, assim as with banking technology called PIX.

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