

Prohibited conduct and abuse of political power as a parameter for revocation of registration or diploma

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SUMMARY

This research analyzes the case law of the Superior Electoral Court (TSE) and its influence on the interpretation and application of electoral law in Brazil. The study addresses relevant decisions on ineligibility, abuse of economic power, electoral propaganda, and campaign financing, highlighting the TSE's role in consolidating legal understandings that ensure the fairness of the electoral process. The research also highlights the importance of the legal certainty provided by the court's decisions, contributing to the predictability of rules and the strengthening of democracy. The methodology used is based on a literature review and the analysis of selected case law, allowing for an in-depth approach to the impact of TSE decisions on the Brazilian political and electoral landscape.

Keywords: Superior Electoral Court, electoral jurisprudence, electoral law, ineligibility, electoral propaganda, campaign financing.

ABSTRACT

This research analyzes the case law of the Superior Electoral Court (TSE) and its influence on the interpretation and application of electoral law in Brazil. The study addresses relevant decisions on ineligibility, abuse of economic power, electoral propaganda, and campaign financing, highlighting the TSE's role in consolidating legal understandings that ensure the fairness of the electoral process. The research also highlights the importance of the legal certainty provided by the court's decisions, contributing to the predictability of rules and the strengthening of democracy. The methodology used is based on a literature review and the analysis of selected case law, allowing for an in-depth approach to the impact of TSE decisions on the Brazilian political and electoral landscape.

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1 INTRODUCTION

The Brazilian electoral system is governed by a set of rules that seek to guarantee the transparency and legitimacy of the democratic process. Among these standards, the legislation electoral establishes rules for conducting campaigns, reporting and monitoring the electoral process. The Superior Electoral Court (TSE) plays a role fundamental in this context, being responsible for interpreting and applying these standards through its case law decisions. Therefore, the analysis of the TSE's decisions is essential to understand the evolution and application of electoral law in Brazil.

The TSE's jurisprudence has been decisive in defining criteria and guidelines for the eligibility of candidates, electoral propaganda and the revocation of mandates. In recent years, several important decisions have shaped the political-electoral landscape, consolidating understandings on topics such as abuse of economic power, ineligibility and campaign financing. Interpreting these decisions allows us to identify trends and challenges in electoral law, providing a solid foundation for academic and legal studies.

In addition to its legal relevance, the analysis of TSE jurisprudence directly impacts society, as it influences the behavior of political parties, candidates and voters. clarity and predictability of judicial decisions are essential to ensure security legal and confidence in the electoral system. Thus, studying these jurisprudences makes it possible understand the dynamics of electoral law and its impact on Brazilian democracy.

This study is justified by the need to understand how the TSE's jurisprudence has influenced the interpretation and application of electoral law. In the face of a political scenario dynamic and constantly challenged by new social demands, the analysis of the decisions of the court makes it possible to identify patterns and guide future legal discussions. Furthermore, research contributes to the training of legal professionals and those interested in the subject, offering an updated overview of the main electoral issues.

The general objective is to analyze the jurisprudence of the Superior Electoral Court and its impact in the interpretation and application of electoral law in Brazil.

Specific objectives are to examine the TSE's main decisions on ineligibility and abuse of economic power; analyze the TSE's jurisprudence on electoral propaganda and campaign financing; assess the impacts of TSE decisions on legal certainty and in the democratic process.

This research seeks to answer the following question: how does jurisprudence of the Superior Electoral Court influences the interpretation and application of electoral law in Brazil? To this end, relevant court decisions will be analyzed, considering their justification, its effects and its implications for the electoral process. As the Do TSE interpretations shape the behavior of parties, candidates, and voters? In what How do these decisions contribute to the transparency and security of the electoral system?

The methodology adopted consists of qualitative research, with an approach exploratory and descriptive. A documentary analysis of the Court's decisions will be carried out Superior Electoral Court, seeking to identify patterns and impacts on electoral law. Furthermore, doctrinal and normative references will be used to contextualize the jurisprudence

studied. The collection and systematization of information will occur through review bibliographical and consultation of specialized legal databases.

2 LAW Nº 9.504/1997 AND PROHIBITED CONDUCT (ARTICLE 73)

Law No. 9,504/1997 establishes essential guidelines for holding elections in Brazil, guaranteeing the legitimacy of the electoral process and equal conditions among candidates. Among its provisions, Article 73 defines conduct prohibited to public officials during the electoral period, seeking to avoid the misuse of the administrative machinery for purposes electoral (CYRINEU, 2017).

The prohibited conduct established in Article 73 of Law No. 9,504/1997 has the purpose to prevent public officials from using their position to obtain undue advantages. Among the prohibitions include the use of public goods and services in electoral campaigns, distribution of social benefits without legal criteria and the carrying out of institutional advertising excessive in the prohibited period (DE PAULA SILVEIRA, 2017).

The legal nature of Article 73 is normative and sanctioning, as it establishes rules of conduct and provides penalties for violators. If a public official fails to comply with the restrictions provided, he may be held administratively and electorally responsible, including with the loss of mandate or ineligibility (HORN, 2009).

One of the main foundations of the article is to guarantee equality in the electoral process, preventing the abuse of political power. The misuse of public machinery compromises the integrity of the elections, as candidates already in power could gain unfair advantages over its competitors (KOCH et al., 2018).

The ban on institutional advertising in the three months prior to the election is one of the most relevant devices. The rule prevents governments from using public resources to self-promotion, favoring the impartiality of the electoral dispute. According to Cyrineu (2017), This practice represents one of the main challenges for monitoring official propaganda.

Prepared by political parties and candidates with the purpose of capturing votes from electorate for investiture in public-elected office. It is characterized by leading to public knowledge, even if in a disguised or concealed manner, candidacy or the reasons that lead to the conclusion that the beneficiary is the most suitable for the position in dispute. In this line, electoral propaganda constitutes that which is deliberately prepared to influence the will of the voter, in which the message is geared towards attraction and winning votes (GOMES, 2018, p. 390).

The article also deals with the prohibition of appointments, dismissals and transfers of civil servants during election periods. These measures prevent the use of public administration to obtain political support and reduce the risk of pressure on voters linked to the public service (NEVES, 2018).

Another important prohibition is the distribution of social benefits without clear criteria. During the election period, the government cannot grant financial aid or programs social issues that may influence voters, except in cases of public calamity or programs already in progress (MENDES, 2022).

The interpretation of Article 73 also takes into account the case law of the Court Superior Electoral Court (TSE), which seeks to curb conduct that, even indirectly, affects the normality of the elections. According to Horn (2009), the Electoral Judicial Investigation Action (AIJE) is one of the main instruments to combat these practices.

Abuse of political power may result in the revocation of the mandate and ineligibility of the benefited candidate. The TSE's understanding is that the mere existence of conduct prohibited may constitute abuse, regardless of proof of intent (DE PAULA SILVEIRA, 2017).

Therefore, the restrictions imposed by Article 73 of Law No. 9,504/1997 play an essential role in preserving democracy, ensuring fair and balanced elections. Compliance strict adherence to these standards contributes to the legitimacy of the election and the public's confidence in the electoral process.

3 TYPES OF PROHIBITED CONDUCT AND THEIR IMPLICATIONS

The conduct prohibited for public officials during electoral campaigns is provided for in article 73 of Law No. 9,504/1997 and aim to ensure equality of opportunities among candidates. These standards are essential to ensure the integrity of the electoral process and avoid the misuse of public machinery in favor of certain applications.

One of the main prohibitions concerns the use of public assets for the benefit of candidates, parties, or coalitions. This includes the use of buildings, vehicles, and equipment belonging to the public administration, except for holding party conventions. This restriction aims to prevent state resources from being used to influence the electorate of unequally (ZILIO, 2016).

Another prohibited conduct is the use of materials and services financed by governments or legislative houses in excess of their established prerogatives. This prevents public officials abuse their position to promote themselves electorally through the state structure (MORAES, 2017).

The assignment of public servants or employees to campaign committees during the business hours is also prohibited unless licensed. This measure ensures that the public service continues to function efficiently and prevents the undue use of force of state work for electoral purposes (ALVIM, 2018).

The free distribution of goods and services paid for by the government for purposes promotional activities are also prohibited. This practice may constitute abuse of economic power and influence the outcome of elections by linking certain candidates to the granting of public benefits (ZILIO, 2016).

Restrictions on appointments and dismissals are also relevant. In the three months prior to the election, it is prohibited to appoint, hire or dismiss civil servants, except for exceptions provided for by law. This rule prevents the public sector from being used to favor allies politicians or harm opponents (MORAES, 2017).

The voluntary transfer of resources from the Union to States and Municipalities and from the States for Municipalities is also prohibited in the three months prior to the election, except in cases of pre-existing obligations, emergencies, or calamities. This measure avoids the use of funds public policies to influence voters through targeted financial transfers (ALVIM, 2018).

Institutional advertising is also subject to restrictions. In the three months before the election, authorization of advertising of government acts, programs and services is prohibited, except in cases of public necessity recognized by the Electoral Court. This prevents the indirect promotion of candidates through institutional communication (ZILIO, 2016).

Broadcasting on radio and television is also prohibited, except when deal with urgent and relevant matters. This rule seeks to prevent the use of public media as an electoral platform for candidates holding public office (MORAES, 2017).

Advertising spending is also limited. In the six months before the election, amounts spent on government advertising cannot exceed the three-year average previous, avoiding a sudden increase in spending for electoral purposes (ALVIM, 2018).

The general review of public servants' remuneration is prohibited if it exceeds the inflation adjustment in the election year. This prevents the use of salary adjustments as strategy to garner political support (ZILIO, 2016).

Failure to comply with these rules may result in severe sanctions, including fines, suspension of the prohibited conduct and, in serious cases, the revocation of the registration or diploma of the benefited candidate. Furthermore, such acts may constitute administrative misconduct, subjecting those responsible to the penalties of Law No. 8,429/1992 (MORAES, 2017).

In conclusion, the conduct prohibited for public agents in electoral campaigns is fundamental to preserving equality between candidates and ensuring an electoral process fair. Its compliance is essential for the maintenance of democracy and the integrity of electoral institutions.

4 THE ABUSE OF POLITICAL POWER AS A GROUND FOR THE DISMISSAL OF REGISTRATION OR DIPLOMA

Abuse of political power is one of the main causes for the revocation of registration or diploma of elected candidates, characterized by the improper use of the machine administrative in favor of a particular candidacy. According to Bezerra (2018), this abuse occurs when public officials use their position to influence the outcome of elections, violating the principle of equal opportunities between candidates.

The Electoral Judicial Investigation Action (AIJE) is the legal instrument used to investigate and punish the abuse of political power. According to Machado Filho (2017), this action has with the aim of ensuring the fairness of the electoral process, which may result in the cancellation of registration or diploma of the beneficiary candidate.

Article 41-A of Law No. 9,504/97 establishes the possibility of sanctions for candidates who benefit from undue advantages in the electoral process. As highlighted Machado Filho (2017), the jurisprudence of the Superior Electoral Court (TSE) has been consolidated in order to apply the loss of mandate in cases where the undue interference by public officials.

The relationship between abuse of political power and abuse of economic power is also relevant. According to Dambrós et al. (2021), the two phenomena are often interconnected, since what public resources can be used to favor certain candidacies, unbalancing the electoral process.

At the municipal level, the abuse of political power has been one of the main causes of impeachment of mayors and councilors. D'Azevedo and Campos (2019) analyzed decisions of Regional Electoral Courts and found that most convictions occur due to use of the public structure for the personal promotion of candidates.

The undue granting of benefits, such as the distribution of goods and services during the period electoral, is one of the factors that most lead to the characterization of abuse of political power. Bezerra (2018) emphasizes that these acts compromise the legitimacy of the claim and may be sufficient to give rise to the revocation of the mandate.

The use of disinformation as a political strategy can also constitute abuse of power. Rasquel (2018) argues that the dissemination of fake and distorted news through official government or campaign channels can directly influence the electorate's decision, constituting a form of abuse of political power.

The TSE's jurisprudence has evolved to consider new forms of abuse, including undue influence through social media and digital advertising. Machado Filho (2017) highlights that the court has expanded the concept of abuse to encompass modern practices of manipulation of the electorate.

The application of sanctions for abuse of political power has been essential to maintain the integrity of the electoral process. D'Azevedo and Campos (2019) emphasize that oversight strict and exemplary punishment are essential to prevent the repetition of these practices.

The abuse of political power compromises popular sovereignty, as it directly interferes in the will of the voter. Bezerra (2018) points out that, by manipulating the electoral process, agents public acts violate the democratic principle, justifying the need for their punishment.

The Clean Record Law also plays an important role in preventing and suppressing abuse of political power. According to Dambrós et al. (2021), this legislation prevents candidates from convicted of abuse of power to run in future elections, promoting a more integral environment.

Specific cases tried by the Superior Electoral Court (TSE) demonstrate the seriousness of this practice. Machado Filho (2017) analyzes several decisions that resulted in the loss of mandates due to misuse of the administrative structure to obtain votes.

The need for robust evidence is one of the challenges in proving abuse of power political. Bezerra (2018) highlights that the implementation of sanctions depends on a careful analysis of the evidence presented, ensuring a fair trial.

Civil society and oversight bodies play a crucial role in reporting and monitoring abuse of power. D'Azevedo and Campos (2019) emphasize that active participation of entities and citizens is essential to curb such practices.

Transparency in government actions is essential to avoid manipulation policy. Rasquel (2018) points out that measures such as audits and disclosure of information can reduce opportunities for abuse.

Political re-education and strengthening civic awareness are strategies important to mitigate the effects of abuse of power. According to Dambrós et al. (2021), Political education can empower voters to identify and report such practices.

Technological evolution requires constant updating of electoral rules. Machado Filho (2017) argues that new legislation and regulations are necessary to combat abuse in the digital environment.

Cooperation between the Legislative, Executive and Judicial branches is essential for the effective combat against the abuse of political power. Bezerra (2018) highlights that a system of checks and balances well-structured counterweights prevent the manipulation of institutions for electoral purposes.

Abuse of political power poses a serious threat to democracy and legitimacy of electoral processes. The adoption of preventive and repressive measures is essential to ensure fair and equitable elections, protecting popular sovereignty.

5 SCENARIOS IN WHICH PROHIBITED CONDUCT CAN LEAD TO DISMISSAL AND JURISPRUDENCE AND PRACTICAL EXAMPLES

The conduct prohibited for public officials during the electoral period aims to ensure equality between candidates and avoid the misuse of public machinery for the benefit of certain applications. When these conducts exceed legal limits, they may constitute abuse of political and economic power, leading to the revocation of registrations or mandates electives.

One of the emblematic cases of abuse of political power analyzed by the Electoral Court involved the co-optation of public servants to support a candidacy. The TSE confirmed that politically motivated dismissals, as well as the suspension of public works for retaliation for criticism, compromise the fairness of the election, and are sufficient to justify impeachment of the mandate.

In the decision regarding AgR-REspEI No. 060132535, it was demonstrated that civil servants were pressured to support a certain campaign and those who did not were dismissed. The cancellation of a public project was also used as retaliation for criticism, characterizing misuse of purpose and abuse of political power.

As can be seen:

“2020 Elections. [...] Electoral judicial investigation action. Abuse of political power.

Co-optation of public servants. Suspension of public works. Harassment of public servants.

Political motivation. Misuse of purpose. [...] 3. There is no way to change the understanding from the Court of origin that the co-optation of city hall employees was proven to support the mayor's campaign, recognizing that three were dismissed servers for political reasons and that the progress of the work was cancelled public in retaliation for criticism of municipal management made by a service provider of the contracted company, without a new re-examination of the factual and evidentiary set of the records. Incidence of Summary 24 of the TSE. [...] 5. The appellants are not right regarding the argument that the dismissals of civil servants would not be able to affect the competition because they occurred more than a hundred days before the elections, as it is possible that facts that occurred before the beginning of the electoral period constitute abuse of power, so that acts perpetrated by public agents that distort normality and legitimacy of the election can be assessed by the Electoral Court, even if they have been practiced before the registration of the candidacy, as occurs in this case. [...] 6. The claim that there was no evidence of political motivation for the dismissals of servers is supported by the defeated vote, whose factual premises do not prevail be in conflict with the factual framework recorded in the winning vote. [...].”

The TSE reaffirmed that there is no fixed period for such acts to be considered abusive. Even though the dismissals took place more than a hundred days before the elections, were still interpreted as undue influences on the electoral process. The criterion adopted was the impact of the conduct on the equality of the dispute.

In another relevant judgment (REspEI No. 060029042), the hiring of excessive number of public servants. The court emphasized that, in order to characterize abuse of power political, it is essential to present robust and indisputable evidence of the illicit practice.

“2020 Elections. [...] AIME. Mayor and deputy mayor elected. Conduct prohibited to agent public. Abuse of political power. Hiring of excessive public servants. Lack of robust evidence. [...] 5. As this Court has already decided, it is essential, for the characterization of abuse of power, the production of indisputable evidence of the practice of electoral offense, and it is not possible to do so based on conjecture or presumptions. Precedents. [...].”

The simple allegation of an irregular increase in hiring is not enough to constitute the prohibited conduct. The TSE ruled that, without concrete material evidence of abuse, there is no grounds for revocation, reinforcing the need for caution in applying sanctions electoral.

In the case analyzed in REspEI No. 060046744, the TSE discussed the use of advertising institutional as a form of self-promotion. The court highlighted that government advertising must be educational, informative or of social guidance nature, and any personal promotion of public agents.

“[...] 2020 Elections. Mayor. Electoral Judicial Investigation Action (AIJE). Abuse of authority (art. 74 of Law 9,504/97). Conduct prohibited for public agents (art. 73, IV, of Law 9,504/97). [...] Abuse of authority. Institutional advertising. Art. 37, § 1, of the CF/88. Doctrine. Jurisprudence. Requirement. Funding. Public resources. No configuration. 2. According to art. 74 of Law 9,504/97, 'it constitutes abuse of authority, for the purposes of the provisions of art. 22 of Complementary Law No. 64, of May 18, 1990, the violation of the provisions of § 1 of art. 37 of the Federal Constitution, with the responsible, if a candidate, subject to cancellation of registration or diploma'. For in turn, art. 37, § 1, of the CF/88 states that 'the publicity of acts, programs, works, services and campaigns of public bodies must have an educational, informative character or social orientation, and may not contain names, symbols or images that characterize personal promotion of authorities or public servants'. 3. 'Based on in the understanding of the proportional legal reserve, the violation of arts. 73, item VI, paragraph b, and 74 of Law No. 9,504/1997 assumes that advertising is paid for with public resources and authorized by a public agent' (AgR-AI 440-24/MG, Rel. Min. Gilmar Mendes, published in session on 4/29/2015). 4. In this case, it is extracted from the frame factual basis of the regional ruling that the material prepared – information published in the first half of 2020, containing self-promotion of the appellant, then head of Executive – was funded with its own resources. Thus, contrary to what was emphasized by the TRE/SP, that it would be 'irrelevant that the advertising was not paid for with public resources', this is an essential requirement for the configuration of abuse of authority of art. 74 of Law 9,504/97. [...]”

The use of own resources to finance advertising was one of the points analyzed in this case. The court understood that, to constitute abuse of authority, advertising must be funded with public resources. As this requirement was not met, there was no recognition of prohibited conduct.

In the judgment of AIJE No. 060098627, referring to the 2022 Elections, the Electoral Court evaluated the use of public assets and resources in favor of a presidential candidacy. The decision highlighted the misuse of official events for electoral purposes constitutes abuse of power.

“Electoral judicial investigation action. 2022 Elections. Presidential election. Bicentennial of Independence. Official celebration. Misuse of purpose Electoral. Public assets, resources, and prerogatives. Use in favor of candidacy. Symbolic appropriation. Gravity. Abuse of political power. Abuse of power economic. [...] 1. This is an Electoral Judicial Investigation Action (AIJE) designed to investigate the occurrence of abuse of political and economic power in official celebrations of the Bicentennial of Independence in Brasília and Rio de Janeiro. 2. On 09/07/2022, the federal government held a civic-military parade in Esplanada dos Ministérios, in Brasília. Subsequently, the suspects carried out rally in an electric trio on a road across from the one where the parade was held. The TV Brazil broadcast an interview with the first person under investigation, still at the Palácio da Alvorada, and provided full coverage of the event. 3. On the same date, in Rio de Janeiro, there were military performances were held in Copacabana, in celebration of the civic date. The first person investigated arrived in the region at the end of a motorcycle ride with his supporters and headed the official platform from where he watched the cannon salute. Then, went to the electric trio located a few blocks away and held a new rally. 4. In this case, the author claims that the campaign acts were mixed with the official acts, making all public apparatus involved, including movable and immovable property and servers of the Federal Public Administration, would be used for the benefit of campaign of those investigated. He also claims that there was symbolic appropriation of event, deliberately, with the aim of elevating the civic date to a milestone of the 'fight between good and evil', a motto that the first person investigated associated with confrontation against his main opponent in the election. [...] 74. In this case, it is demonstrated that the overt use of television advertising and conventions electoral to summon supporters of those under investigation to appear at the celebrations of the Bicentennial of Independence, on 09/07/2022, was directed to induce confusion between official acts and electoral acts. [...] 77. The sequencing between the official act and the electoral act, in the same public space, generated for the public present the perception that these were two moments in the campaign of those investigated. In first, of image construction (official celebration), the values were exalted patriotic-military which the first person investigated intended at all times expressly take possession. In the second, of translation of the image (rally), the candidate finally addressed the public verbally to present his reelection as the only and necessary correspondence to those values. [...] 82. The deviation of resources, goods and public services in favor of the campaign was evident, given of the substantial resources effectively raised to finance the civic-military parade in Brasília, the robust military demonstration in Rio de Janeiro and the appropriation of assets symbolic. This appropriation is invaluable, as it involves everything from the electoral use of images in electoral propaganda to the incalculable representation of the civic date intentionally captured as an element of political mobilization. 83. The conduct

were revealed to be serious, from a qualitative point of view, given that they are endowed with high disapproval rate, considering the direct involvement of the candidates investigated and the severe impacts resulting from the symbolic appropriation of the date civic and the absence of brakes to enhance the electoral gains of the ticket. 84. The quantitative gravity is also demonstrated, given the gigantic repercussion on the claim, which can be illustrated by the success of creating conditions for dominance of the space of official acts by supporters of those investigated, by intensification of militarized patriotism as a factor of political radicalization and by use of media (traditional media, including public broadcasting, and internet) to disseminate to the electorate the appropriation of public property. 85. It is concluded that the conduct prohibited by art. 73, I and III, of Law No. 9,504/1997, with sufficient gravity to fulfill the typical core of abuse of political power and the abuse of economic power [...]”.

The Superior Electoral Court (TSE) analyzed the use of the celebrations of Bicentennial of Independence as an instrument of electoral mobilization and mix between institutional events and campaign events. The court understood that the use of public property and government structure characterized a misuse of purpose, constituting abuse of power political and economic.

One of the most relevant aspects of this decision was the symbolic appropriation of a date civic event to benefit the investigated candidate. The TSE highlighted that the official event was planned in such a way as to induce confusion between government action and electoral campaign. This way, the use of national symbols and the state structure for electoral purposes generated a imbalance in the election, compromising equality between candidates.

Furthermore, case law has reinforced that abuse of power is not limited to the use of direct use of public goods. The exploitation of institutional events and the appropriation of symbols national elections for electoral promotion may also justify the revocation of mandates. The TSE's understanding signals an evolution in the interpretation of electoral legislation, expanding protection against practices that may compromise the legitimacy of the democratic process.

Another relevant case analyzed by the court was the Electoral Judicial Investigation Action (AIJE) regarding the live election campaign held at the Planalto Palace. The legal debate revolved around the use of public goods in election campaigns and whether the weekly broadcast of the then president could constitute abuse of political power.

The main point of analysis was the existence or not of improper use of the structure government. As there were no ostentatious symbols of the Presidency of the Republic nor evidence concrete evidence that the live broadcast took place inside the Planalto Palace, the TSE concluded that there was no

abuse of power. The decision reaffirmed that simply carrying out live broadcasts, even dealing with political and electoral issues, does not automatically constitute prohibited conduct.

However, the court emphasized that if there was proof of the use of goods and services government to make live streaming possible, the outcome could have been different. This analysis highlights the need for concrete and robust evidence to establish the abuse of power, reinforcing the importance of the proportionality criterion in the assessment of electoral infractions.

The evolution of electoral jurisprudence demonstrates a growing concern with the qualitative and quantitative impact of abusive behavior. The TSE has applied the principle of reasonableness to differentiate formal irregularities from conduct that effectively compromise the legitimacy of the election. Not every violation of electoral rules results in revocation, and it is essential to assess the context and severity of the facts.

These precedents demonstrate the active role of the Electoral Court in preventing practices abusive, ensuring equal opportunities among candidates and the integrity of elections. The rigor in investigating and punishing these behaviors strengthens confidence in the integrity of the democratic process, ensuring that the will of the people is respected.

In short, the revocation of mandates due to prohibited conduct occurs when there is abuse of political or economic power in a serious way, with a direct impact on the equality of the election. The TSE decisions reinforce the need for a solid body of evidence to justify punishments, ensuring that the electoral process takes place in a fair and democratic manner.

4 CONCLUSION

Analysis of the case law of the Superior Electoral Court reveals the importance of the role played by this body in the interpretation and application of electoral law in Brazil. The TSE decisions have been fundamental in guaranteeing the fairness of the electoral process, ensuring observance of democratic principles and equity among candidates. The actions of the court, through its decisions, seeks to balance the right to political participation with the need to prevent abuses and irregularities that could compromise the legitimacy of elections.

Throughout this research, relevant case law was examined on ineligibility, abuse of economic power, electoral propaganda and financing of campaign. The TSE's interpretation of these issues has been decisive in consolidating understandings that directly impact the political-electoral scenario. Furthermore, it was observed

that the legal certainty provided by these decisions contributes to the predictability of electoral rules, reducing conflicts and strengthening confidence in the democratic system.

Thus, it is concluded that the jurisprudence of the Superior Electoral Court not only guides the application of electoral law, but also plays an educational role in establish guidelines that influence the behavior of political parties, candidates and voters. The constant evolution of the TSE's decisions demonstrates the need for a dynamic interpretation of electoral norms, which follows political transformations and social aspects of the country. Therefore, the study of electoral jurisprudence remains essential for understand and improve the functioning of Brazilian democracy.

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