

Momentum

Journalism & Tech Task Force

Autorship: Ester Borges

Proofreading: Bruno Fiaschetti e Paula Miraglia

AI in Brazilian Elections: The New Rules from the Electoral Court

In March 2026, Brazil's Superior Electoral Court (TSE) released new guidelines on electoral advertising and the use of digital technologies. Among the resolutions is one specifically focused on the use of Artificial Intelligence (AI) in the context of Brazil's upcoming elections for president, governors, senators, and federal and state deputies, to be held in the second half of the year.

These changes respond to the recent advancement of tools capable of creating and manipulating text, images, video, and audio with a high degree of realism, increasing the risks associated with disinformation and the integrity of public debate. In this context, the Electoral Justice system establishes more detailed rules governing the use of these technologies by campaigns, candidates, parties, and digital platforms.

Overall, the regulation is structured around three main pillars: (i) transparency in the use of synthetic content, (ii) restrictions on the circulation of certain types of AI-generated content, particularly during sensitive periods of the electoral process, and (iii) the definition of responsibilities and obligations for the different actors involved, including campaigns and big tech companies.

In an effort to systematize these changes and analyze their potential implications, Momentum – Journalism and Tech Task Force has prepared this brief outlining the key aspects of the regulation.

The TSE's New Guidelines

The rules issued by the TSE are grounded in the recognition that AI is already part of the political communication ecosystem and is likely to play an increasingly significant role in electoral campaigns. At the same time, the Court emphasizes that its use must comply with core principles of the electoral process, such as the integrity and legitimacy of elections, equal opportunities among candidates, freedom of the vote, and transparency in electoral advertising.

Among the main elements of the regulation, the following stand out:

- Mandatory identification of synthetic content: any material produced or significantly altered by AI must be accompanied by a clear, prominent, and accessible notice indicating that the content was created or manipulated and, where applicable, which technology was used (art. 9-B, caput and § 1, of TSE Resolution No. 23,610/2019).
- Silence period for synthetic content: within the 72 hours prior to the election and the 24 hours following the vote, the publication, reposting, or promotion of synthetic content using the image, voice, or likeness of candidates or public figures is prohibited, even if properly labeled. The measure seeks to reduce the risk of interference during the most sensitive period of the electoral process (art. 9-B, § 3, of TSE Resolution No. 23,610/2019).
- Ban on AI-driven candidate recommendations: companies offering AI chatbot tools are prohibited from ranking, recommending, suggesting, or prioritizing candidates, parties, federations, or coalitions, as well as from expressing opinions or indicating electoral preferences, even when directly prompted by users. The measure aims to prevent undue interference in voter choice (art. 28 of TSE Resolution No. 23,610/2019).
- Expanded accountability of involved actors: campaigns, parties, and coalitions are responsible for the misuse of AI technologies in electoral advertising. Platforms may also be held liable for failing to remove content deemed unlawful by the Electoral Justice system—whether based on regulatory provisions or case-by-case decisions—particularly when they fail to comply with judicial orders or act upon content already recognized as irregular, in line with the framework established by the resolution (arts. 9-B, 19, and 33 of TSE Resolution No. 23,610/2019).
- Enhanced duties for digital platforms: technology companies are required to adopt proactive measures to mitigate the circulation of unlawful content, including establishing reporting channels, implementing detection mechanisms, and developing compliance plans aimed at safeguarding the integrity of the electoral process (arts. 9-B and 9-E of TSE Resolution No. 23,610/2019).

The guidelines also reinforce that AI cannot be used for practices already prohibited under electoral law, such as the dissemination of disinformation, hate speech, or the manipulation of public debate. In this context, the regulation of “deceptive synthetic content” (or deepfakes) is introduced. Rather than concentrating these restrictions in a single provision, the resolution establishes a coordinated framework combining labeling requirements, the possibility of content removal, and the accountability of those involved. In practice, this set of measures seeks to limit the circulation of content capable of misleading voters and undermining the informational integrity of the electoral process.

Additionally, the regulation prohibits the creation or manipulation of images, videos, or other audiovisual materials involving nudity or sexual content associated with candidates. This measure is part of broader efforts to address political violence—particularly gender-based violence—and expands protections for the integrity of candidacies in the digital environment.

Potential Impacts on Journalism and Public Debate

The TSE's regulatory update is part of a broader transformation of the digital regulatory environment in Brazil. In recent years, different institutional actors have sought to respond to the challenges posed by digital platforms and Artificial Intelligence.

In the electoral domain, concerns about disinformation and the integrity of the democratic process had already been shaping decisions by the Electoral Justice system in previous elections. However, the recent sophistication of AI tools has intensified the need for more specific rules.

At the same time, the debate on AI in Brazil is also advancing in the legislative arena, with proposals aimed at establishing a broader regulatory framework for these technologies. In this context, the TSE's guidelines can be understood as a sectoral response, focused on the electoral process, but connected to more structural discussions on transparency, accountability, and digital governance.

The new rules represent an important step toward mitigating risks associated with the use of AI in elections, but they also present challenges. On the one hand, requirements for labeling synthetic content and the prohibition of deepfakes may help increase transparency and reduce the circulation of disinformation, creating more balanced conditions for public debate. For journalism, this may facilitate fact-checking and the contextualization of content circulating on platforms, while also increasing the value of human-produced content.

On the other hand, the effectiveness of these measures will depend on the capacity for implementation and enforcement, particularly in a digital environment characterized by the rapid circulation of content and the involvement of multiple actors, including informal networks and private communication channels such as messaging apps.

Moreover, the central role assigned to digital platforms in enforcing these rules—both in monitoring and removing content—reinforces their position as key intermediaries in public debate. This raises important questions about transparency, data access, moderation criteria, and potential asymmetries in how the rules are applied.

Finally, the TSE's guidelines signal that institutional responses to the risks posed by AI to the electoral process go beyond regulation alone. Even comprehensive rules operate within a broader ecosystem, and their effectiveness will depend on complementary initiatives, including media literacy, the strengthening of independent journalism, and the development of monitoring tools that ensure the enforcement of rules while respecting fundamental rights.

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