

VOTE IN BRAZIL AND GENERAL ELECTIONS 2018: ARE THE PILLARS OF DEMOCRACY IN DANGER?

Murillo Dias¹ and Andre Teles²

¹Rennes School of Business - France

²Fundação Getulio Vargas, Brazil

ABSTRACT: *In one of the most controversial and disputed general elections in Brazil, more than 147 million voters will choose their representatives, on October 2018. For the first time in the Brazilian democratic government history, the far-right wing candidate, was attacked and stabbed in the middle of a campaign rally. Also unprecedented was the initiative of the former Brazilian left wing president, Lula da Silva, convicted and sentenced to 12-year imprisonment for money laundering and passive corruption, who was disputing the presidency from jail. In a democracy, however, no matter how fierce a presidential election is, any differences shall be resolved through vote. Therefore, given its importance to democracy, in this article we investigated the history of the vote in Brazil, from paper-based to electronic suffrage. We analyzed the different past voting systems, until the general elections 2018, where biometric identification was included successfully. Current facts and figures are presented in this single case study. Finally, recommendations for future research complete the present work.*

KEYWORDS: Vote, General Elections, Democracy

INTRODUCTION

This research investigates the history of the vote in Brazil, since 1532¹ to the general elections 2018.

A vote is a formal indication of choice. It can be written, a raised hand, or an electronic one, for instance. It is the manifestation of someone's wish. According to the Merriam-Webster dictionary (2018), vote is "1: to express one's views in response to a poll; 2: to express an opinion; 3: to choose, endorse, decide the disposition of, defeat, or authorize by vote". The word *vote* comes from Latin *votum* and means "a vow, wish, promise to a god, solemn pledge, dedication" (Etymology, 2018).

From a simple raise of hand to paper ballot and finally the electronic elections, the vote was always considered the ultimate expression of democracy, one of its pillars.

Through vote, citizens share a sense of cooperation and co-participation in the whole democratic process, for instance governments' decisions. It is a right protected by Brazilian Federal Constitution 1988, which establishes on Article 14 that the vote is direct and secret, one vote per citizen in equal value (Brasil, 1988).

This article is limited to investigate Brazilian general elections, which unit of analysis in this single case study (Yin, 1988) is the general elections 2018. Local elections are not part of this

¹ Brazil was discovered in 1500, by the Portuguese navigator Pedro Alvares Cabral. 1532 was the first poll in Brazil

work. The general elections investigated here are the presidential ones, despite the fact that the voters may vote in all elections, since he or she is eligible to vote.

The next section presents a brief history of the vote in Brazil, as well as facts and figures regarding the general elections 2018. Then, the evolution of the paper ballot to electronic vote. Analysis and discussion complete the present work.

History of the vote in Brazil

The first election in Brazil took place on January 23rd, 1532 at São Vicente (today São Paulo, city with the largest number of voters in Brazil²), where voters elected the first city council of the Brazilian Colonial period (1500-1821). The first suffrage was indirect: six popular representatives were elected, following the Portuguese Laws, specifically the *Livro das Ordenações* (Book of Ordinations, our translation). Then, these six elected the city council members (Nicolau, 2002). Only Portuguese citizens were eligible to be voted and to occupy public positions (Carvalho, 2000).

In 1821, one year before the proclamation of the Independence from Portugal, there were no political parties, and only free men up to 25 years old could vote – the exception was to military officials and married men, who could vote at the age of 21 years old. Illiterates were allowed to vote. There was no secret vote in Brazil at the dawn of the Colonial period (Câmara dos Deputados, 2018; Dias, M et al., 2014; 2015).

In 1824, with the Imperial regime (1822-1888), the first Brazilian Constitution established the first electoral system, inspired on Portuguese and Spanish ones (Câmara dos Deputados, 2018). Only free men, with a minimum income wage were allowed to vote, less than 15 per cent of the entire population. Women, Indians, Negros, illiterate and poor people were not allowed to vote. It was possible to transfer the rights for voting to someone else, through a signed document (*Procuração*), until 1842. Women were allowed to vote only in 1934, in the Republican period (1889-).

Frauds were very common at that time. To avoid them, the Imperial Government issued *Lei Saraiva* (Saraiva's Law, our translation) that created the first valid voter identification (*Título de Eleitor*- Voter ID, our translation). Figure 1 depicts the current Voter ID (electronic, version mobile), and the first Voter ID (printed paper), as follows

² Aproximately 33 million voters. See Table 2.



Figure 1 Current electronic Voter ID (left), mobile version from 2018, and first Voter ID (Título de Eleitor). Saraiva Law, Brazilian Empire, 1881 (right). Source: TSE, 2018.

At that time, the illiterates were still forbidden to vote. However, the photograph was not available yet in large proportions, and the identification system was too vague. The consequence: Saraiva Law proved not to be effective to prevent frauds in elections, as originally planned (Câmara dos Deputados, 2018). Until 1888, Brazilian citizens should submit proof of minimum income documents.

After the Republic Proclamation, on November 15th, 1889, the proof of income was abolished. However, voting still continued a privilege of few. Adults less than 21 years old, illiterate, Indians, women, soldiers and evens priests were not allowed to vote. However, two years later, in 1891, the first Republican Constitution included, for the first time in Brazilian history, direct votes for president and vice president (Câmara dos Deputados, 2018).

However, only 45 years after the Republic Proclamation that women and men at the age of 18 years old were allowed to vote (1934). Three years later, in 1937, the electoral system was suppressed at the Getulio Vargas' dictatorship period, called *Estado Novo* (1937-1945). Then, the indirect election for president of the Republic was established, with a six-year mandate (Nicolau, 2002).

After eight years of non-elected governments, and after the resignation of Getulio Vargas, the first direct election for president took place on December 2, 1945. Considered the first democratic election³, it gathered six million voters, won by Eurico Gaspar Dutra, with 3.251.507 votes, representing 55.39 per cent of the total votes (CPDOC, 2018).

³ The period 1946-1964 is known as Second Republic.

In 1964, a coup d'état led by the armed forces against president João Goulart's administration, has plunged Brazil into a military regime (1964-1985), where direct elections were forbidden. Elections in this period were indirect.

After 21 years of military regime, the first presidential election was indirect. In 1988 the current Brazilian Constitution established, on Article 14: "the Popular sovereignty shall be exercised by universal suffrage and by direct and secret voting, with equal value for all" (Brasil, 1988, Art.14, caput).

The first direct elections took place on November 15th, 1989, when 82,074,718 Brazilian citizens could exercise their right to vote, for the first time after the military regime. Fernando Collor de Mello was elected president with 20,611,011 votes, or 30.47 per cent of the valid votes. From 1989 to 2018, eight general elections were held (See Table 1), and all general elections' terms (presidents, senators, state governor and congressmen)⁴, took place only four-year mandate each (TSE, 2018).

Table 1 depicts the evolution of total voters in Brazil, from 1989 to 2018, as follows:

Table 1 : Total Voters for presidential elections (1989-2018)

Year	Total voters	President Elected
2018	147.302.357	?
2014	142.825.280	Dilma Rousef
2010	135.804.433	Dilma Rousef
2006	125.913.134	Lula da Silva
2002	115.254.113	Lula da Silva
1998	106.101.067	Fernando Henrique Cardoso
1994	94.732.410	Fernando Henrique Cardoso
1989	82.074.718	Fernando Collor de Mello

Source: Tribunal Superior Eleitoral, TSE (2018)

Figure 1 depicts the evolution of the total of voter in Brazil, as follows:

⁴ Elections for mayors and municipal congressmen (*Vereadores*), are held in a separate election, which take place each four years, however, running in different years in comparison with general elections.

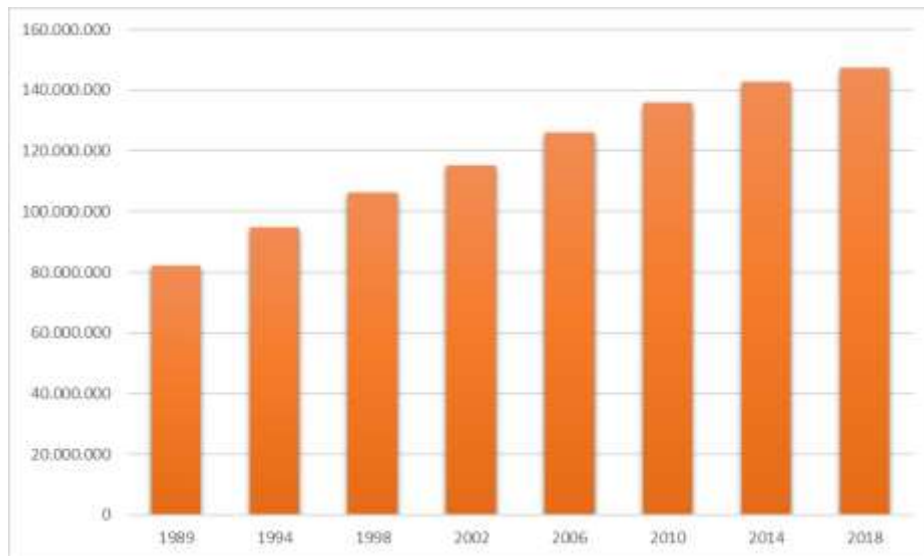


Figure 2- Total Brazilian voters evolution (1989-2018). Source: TSE, 2018.

Figure 2 depicts the distribution of Brazilian voters by region, where approximately 43 percent are distributed among the southeastern region, as follows:

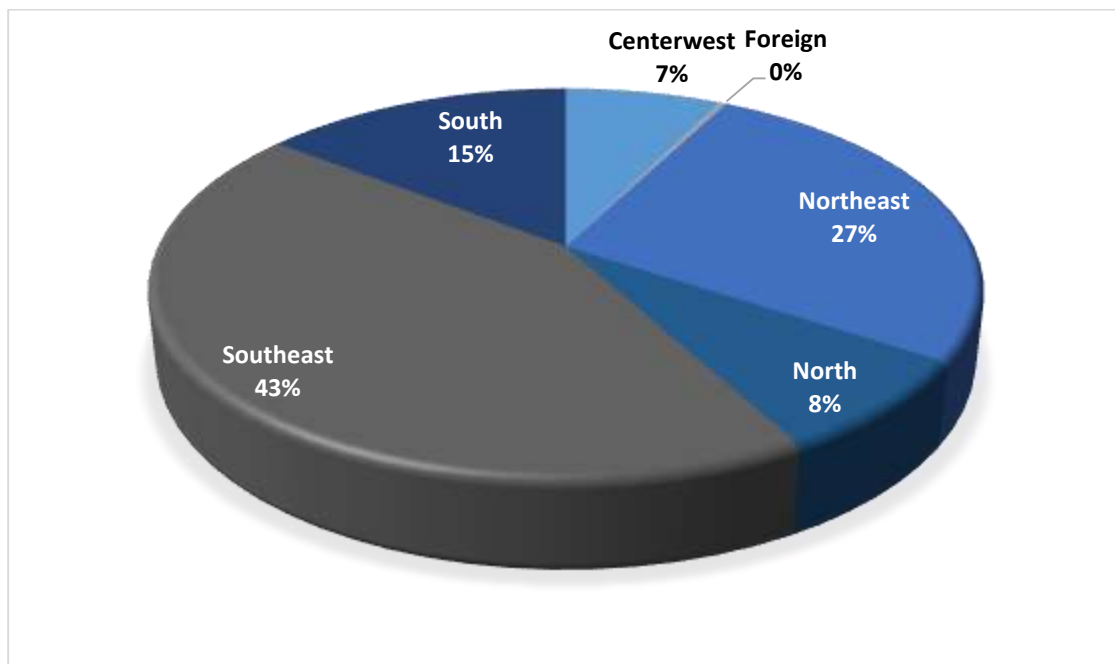


Figure 3 Brazilian voters per region. Source: TSE, 2018

Table 2 depicts the percent distribution, and total of voters, among the 27 Brazilian states, plus Brasília (capital within *Distrito Federal* – Federal District, our translation), and ZZ, or Brazilian voters spread throughout the world. São Paulo state, in the Southeastern region, the

state with the largest number of Brazilian voters, had approximately, 33, 040, 411 voters, representing 22.43% of the total voters.

Table 2: Brazilian voters per state

State	# voters	%
AC	547.680	0,372
AL	2.187.967	1,485
AM	2.428.098	1,648
AP	512.110	0,348
BA	10.393.170	7,056
CE	6.344.483	4,307
DF	2.084.356	1,415
ES	2.754.728	1,87
GO	4.454.497	3,024
MA	4.537.237	3,08
MG	15.700.966	10,659
MS	1.877.982	1,275
MT	2.330.281	1,582
PA	5.499.283	3,733
PB	2.867.649	1,947
PE	6.570.072	4,46
PI	2.370.894	1,61
PR	7.971.087	5,411
RJ	12.406.396	8,422
RN	2.373.619	1,611
RO	1.175.733	0,798
RR	331.490	0,225
RS	8.354.732	5,672
SC	5.070.212	3,442
SE	1.577.058	1,071
SP	33.040.411	22,43
TO	1.039.439	0,706
ZZ	500.727	0,34
27	147.302.357	100%

Source: TSE, July 2018

The next section presents the Methodology employed for the present research.

METHODOLOGY

The present interpretive research, combines multiple qualitative methods, such as archival research, and descriptive single case study (Yin, 1988). The unit of analysis is the Brazilian general elections 2018 (Yin, 1988). The case is also supported by the Agency theory (Eisenhardt, 1989), since there are principals (voters) and agents (public servants, such as presidents, senators, congressmen and so forth).

The agency dilemma occurs when the elected public servants (agents) do not act in favor of the Brazilian population (principals). 'The principal agent relationship should reflect efficient organization of information and risk-bearing costs' (Eisenhardt, 1989, p.59). The dilemma exists because the agent may act regarding self-interest rather than those of the principal (Dias M., et al, 2014; Dias M. et al. 2015).

Primary data were then analyzed through text analysis. Secondary data were investigated through archival research based on data available on the the *Tribunal Superior Eleitoral* (TSE, Superior Electoral Court, our translation), which is the highest body of the Brazilian Electoral Justice. The Brazilian Federal Constitution establishes on its Article 118 that the TSE is comprised of Regional Electoral Courts (*Tribunal Regional Eleitoral*, TRE) in each of the 26 states, plus the Federal District (DF).

This article is also limited to Law no. 9.504, from September 30, 1997, which establishes on its article 1o that the general elections should take place on the first October's Sunday of the electoral year. Also established rules for: (a) *parties' colligations* (Art.6); (b) *conventions for choosing candidates* (Art.7); (c) *candidates' applications* (Art.10); (d) *campaign funding* (Art.16, and 17); (e) *Campaign accountability* (Art. 28); (f) *electoral propaganda* (Art. 36); (g) *the electronic system of voting and the voting totalization* (Art.59); (h) *election oversight* (Art. 65); and (i) *election crimes* (Art.72), among others.

From paper ballots to electronic voting

Since the first poll, in 1532, voting in Brazil was performed through printed paper ballot. In 1996, exactly 464 years after the first poll, the Brazilian government decided to create the first electronic voting system in its history (See Figure 4).

Three companies developed the voting machines: OMNITECH (previously known as TDA), Microbase and Unisys do Brasil attending the TSE for the Brazilian Elections in at Santa Catarina State, south Brazil, in 1996.

This machine used the processor UE96 (clone of Intel 80386). In sum, was a modified

IBM PC. In 1998 the processor was improved into UE98. In 2000, Microbase and Diebold-Procomp built the UE2000 processor. Microsoft provided free Windows CE licenses operating system.

In 2008, TSE Electronic voting team choose to change the Microsoft operating system into a more robust Linux platform (dubbed UEnux) OS. Therefore, TSE gained full control of the operating system development cycle.

It took almost six years of gradual replacement, from paper ballot to full electronic voting. First, in 1996, the paper ballot was substituted for the electronic voting system in 57 municipalities, in local elections. Then, in 1998, the electronic voting was used partially for the first time in general elections. Finally, in 2002, Brazil completed the first fully automated election.

The Brazilian voting machine performs three operations in sequence, in order to prevent and to eliminate fraud: (a) voter identification; (b) secure voting; and (c) tallying. Voters bring their identification documents to the correspondent voting section or station⁵, checked by the *mesário* (election judge at a voting station). In sequence, the voters are sent to a cabin to press the buttons corresponding the number of their candidates to be chosen, press *confirma* (See green button in Figure 4), and the vote operation is complete. A message of *FIM* (END in English, our translation) appears on the screen and the voting operation is completed successfully, as depicted in the following Figure 4:



Figure 4 Example of voting machine - general elections 2014. Source: TSE, 2018

Electronic voting: solution or problem?

The electronic voting (also called e-voting) proved to be very effective regarding vote counting: decreased drastically the vote counting time from one or two weeks to a couple of hours. For instance, the presidential election of 1989, between Fernando Collor de Melo (winner) and Lula da Silva (loser), took nine days to be completed. The 2002 election took 12 hours to the vote count be finished, 24 times faster than in 1989⁶ (TSE, 2018). The e-voting system also reduced the number of null votes due to illiteracy, since its full implementation, in 2002 general elections, as shown in the following Table 3:

⁵ Information provided by Tribunal Superior Eleitoral, depending where the voter resides.

⁶ In 1989, there were near 72 million voters, 9 days of vote count. In 2002, near 95 million, more than 30 percent voters. It would take almost 12 days of vote counting, if paper ballots. Therefore, the e-voting proved to be almost 24 times faster than the paper ballot vote count system.

Table 3: Null votes in proportion will the total valid voters, per president elections.

Year	Valid votes total	Null Votes	%
2014	115.122.611	6.678.580	5,8%
2010	111.193.747	6.124.254	5,5%
2006	104.820.459	5.957.521	5,7%
2002	94.804.126	6.976.107	7,4%
1998	83.297.863	8.886.895	10,7%
1994	77.898.464	7.444.017	9,6%
1989	72.280.909	3.473.484	4,8%

Source: TSE, 2018.

Brazil was the first country in the world to adopt e-voting to all elections. Also exported its patented technology to countries like Paraguay, and Ecuador, who loans the machines for their own polls. Norway, Switzerland, Belgium, Australia, Ireland, among others, are conducting e-voting tests in locals and, in some cases, general elections (TSE, 2018).

The e-voting system is also friendlier and easier than the ballot system, in which voter had to know how to read the name of the candidates first, then to mark an “x”, on the right spot. In the e-voting system, the voter press numeric buttons and watches on screen the candidate’s photo, as depicted in Figure 5, as follows:

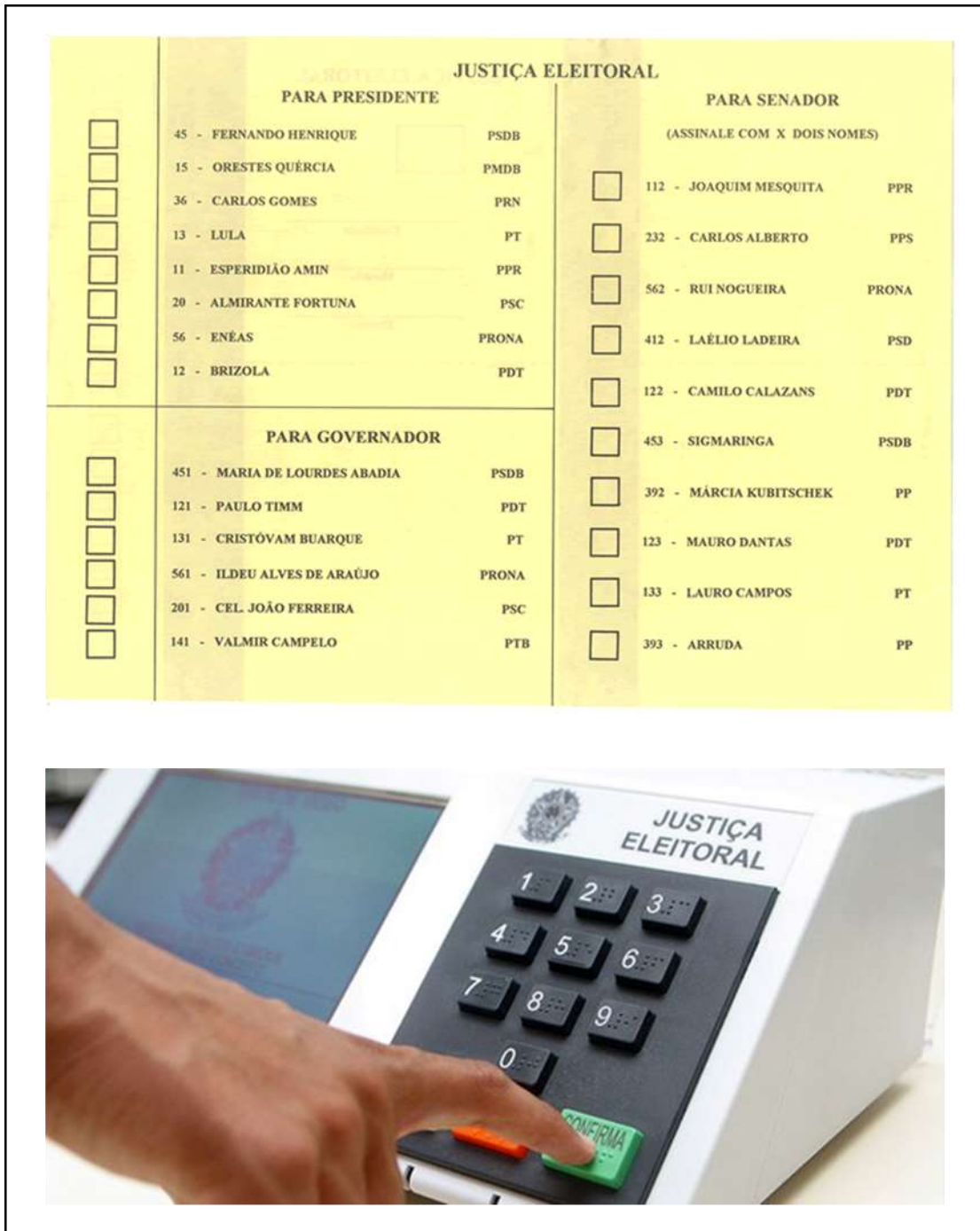


Figure 5 – up: Brazilian paper ballot (general elections 1994); down: electronic voting machine. Source: TSE, 2018

However, the system is not entirely safe: it is dependable in a high proportion of the software and operating system security (TSE, 2018). It is possible to violate the vote secrecy, obtaining the list of the Voter IDs, ordered by number. Thus, it is possible to attribute a vote to a given voter, depending on the list number.

TSE (2018) informs that the electronic ballot machine is produced to endure climate changes, storage and transportation throughout Brazil. *Casa da Moeda*⁷ produces special security seals to avoid frauds. In addition, the electronic ballot box is scheduled to receive votes only from 8 am on the election day. TSE also performed and passed one *Teste Público de Segurança* (Security Public Test) for the general elections, on March 2018.

If the machine does not work, Law 9.504/ 1997, establishes on Art. 83-89 that paper ballots can substitute the electronic vote, in sections where the electronic vote is unavailable or present malfunction at the moment of voting, for instance, among others (Brasil, 1997).

To enhance security levels, a new biometrics-based voting machine, with voter's fingerprint reader, started being tested in 2012.

Violation and fraud of e-voting machines is also a crime, punishable by imprisonment are from five to ten years, according to Law 9.504/ 1997, Art. 72 (Brasil, 1997). These crimes are:

I – to obtain access to the automatic data processing system used by the electoral service, in order to change the counting or counting of votes;

II – to develop or introduce command, instruction, or computer program capable of destroying, erasing, deleting, altering, recording or transmitting data, instruction or program or provoking any other result than expected in automatic data processing system used by the electoral service ;

III - intentionally causing physical damage to equipment used in the voting or in the aggregation of votes or to its parts (Brasil, 1997, Art 72, items I, II and III).

The biometrics registering system was created in September 16, 2008. Exactly ten years later, in September 16, 2018, precisely 73,688,211 voters will be biometrically identified, or 50.03% of the electorate (TSE, 2018).

General elections 2018

In 2018, exactly 147,302,357 of voters are eligible to vote for president, vice president, senators, state and federal congressmen, and state Governors, for a four-year term office (Câmara dos Deputados, 2018; TSE, 2018). 28,957 candidates applied for political candidacy, in which 2,016 candidates (6.96 percent) were rejected by the Electoral Justice (TSE, 2018), including the candidacy of the former president Lula da Silva, who held two presidential mandates and has been implied, judged, convicted and sentenced to 12 years imprisonment, for money laundering, passive corruption. Lula is pointed to be the head of the worst corruption scandal in the recent Brazilian history. In a desperate move, Lula tried to run his campaign from prison, tried appealed to United Nations, but the Brazilian Justice, decided by six votes against one, on special session which took place August 31, 2018 to reject Lula's candidacy, which campaign, Lula had been running from jail. Fernando Haddad substituted Lula.

The situation was so discomfoting, that if Lula won the elections 2018, for the first time in the Brazilian history, one criminal convicted and sentenced would be elected president of the Republic. Lula pledges political persecution. Even at the UN. However, he was convicted for

⁷ Government company that produces coins, stamps, seals, currency, and so forth

material crimes, not political ones. He would fulfill his mandate imprisoned. A national shame under all circumstances and points of view.

For the general elections 2018, 35 political parties, and 24,725 candidates will dispute five political positions: (a) president; (b) state governor; (c) senator; (d) federal congressman, and (e) state or district congressman⁸, as evidenced in Table 4, as follows:

Table 4 - general elections 2018: positions per candidates

Positions	Candidates	%
President	14	0,05%
Vice-president	14	0,05%
Governor	200	0,69%
Vice-governor	205	0,71%
Senator	357	1,23%
Congressmen Federal	8.553	29,54%
Congressmen State	17.875	61,73%
Congressmen District	974	3,36%
Senator 1° Suplente	377	1,30%
Senator 2° Suplente	388	1,34%
TOTAL	28.957	100%

Source: TSE, 2018

Almost three quarters of the current congressmen are trying to re-elect in 2018. 1,202 out of 1,654 (72.7%) of the congressmen elected in 2014 are trying to be re-elected to the same position in 2018. It is the highest rate of the last 3 elections (TSE, 2018).

Those elected will serve a term beginning on January 1, 2019. For almost all positions, the term of office is 4 years, less for senators who have 8 years in office.

The general elections 2018 will be one of the most fiercely disputed of all times. It proved to be also violent: for the first time, after the military regime (1964-1985), one candidate, the frontrunner Jair Bolsonaro, was attacked and stabbed in the middle of a political rally, at the city of Juiz de Fora, Minas Gerais State, on September 6, 2018, almost one month before the elections day, and the day before the National holiday, Brazilian Independence Day, September 7th.

The aggressor, Adélio Bispo de Oliveira, was arrested and declared, that he stabbed Bolsonaro obeying a divine order, an “act of God”. The aggressor was framed in the National Security Law, nº 7.170, from December 14th, 1983. He justified the act against the far-right politician

⁸ District congressmen to dispute the Federal District (DF) positions.

due to his controversial commentaries, who has outraged Adelio about some racist and homophobic Bolsonaro's comments.

The victim had the intestines pierced by a 30 cm kitchen sharp knife, 12 cm of perforation, had to be submitted to immediately to a surgery, and still needs to undergo further surgeries, in order to recover. Bolsonaro leads the most recent opinion polls. However, he cannot participate anymore in campaign rallies, because his time for recovery overpasses the election day.

DISCUSSION

The general elections 2018 has divided the country. Never before a candidate has been victim of such sort of aggression, like Jair Bolsonaro has suffered. Never before a criminal convicted and arrested could possibly run a political campaign.

Levitsky and Ziblatt (2018), argued that any democracy, to survive, has to comply with non-written rules, two of them of utmost importance: (a) *Mutual Tolerance*, and (b) *Institutional Reserve*, defined as "the act of avoiding actions that, although respecting the letter of the Law, clearly disrespect its Spirit" (p.107).

The issue in debate is the general elections 2018 in Brazil, which clearly disrespect Levitsky and Ziblatt's (2018) principles.

Jair Bolsonaro's aggression, clearly attacks mutual tolerance. His insidious and intolerant commentaries also provoke aggressive reactions. Mutual tolerance would prevent self-destruction and conflict escalation. According to Dias (2016, 2018), mutual tolerance additionally fosters trust. Non-compliance with mutual tolerance and trust erodes democracy to the ground.

On the other hand, Lula da Silva attacked relentlessly and wounded seriously the Brazilian Institutional Reserves. One candidate shall lead by good examples and to show a minimum decency and respect to them. His pledge for innocence stabs the heart of democracy. He was sentenced initially to nine years and a half for prison, for laundry money and passive corruption. Then judged in second instance, obeying all the Brazilian widespread right for democratic defense, had his sentence commuted and increased to 12 years of imprisonment. Lula tried ridiculously to mesmerize population to his lonely cause, refusing for two days to be arrested. When he finally did, he should immediately abandon his candidacy for president to safeguard the Moral and Institutional Reserves. It is a matter of principles. Lula or Bolsonaro choose not to act in accordance to them.

The far-right candidate does not tolerate minorities in his controversial speeches, always full of hatred, and some consider him "the Tropical Trump"⁹. A former Army Capitan, Bolsonaro is not unanimity among Brazilians.

The left wing candidate Lula is a criminal that ridicularizes Brazilian Moral and Institutional Reserves. Both ways, democracy loses. Brazilian citizens are in between, dreaming with a Country with no corruption and respect to every citizen's rights.

⁹ Brazilian version of the North American president Donald Trump, who is known for lies, deception and controversial positions against minorities, such as Mexicans, for instance.

Additionally, social networks are intensely explored to promote one candidate, and fake news widespread to undermine the opponents, following Barack Obama's and Donald Trump's former political campaigns. Brazilian candidates use extensively the social networks, such as Twitter, Facebook, Instagram, WhatsApp among others to widespread their messages, many times twisting the facts to fallacious interpretations.

The lesson we learned with this process is to double, triple check information, if necessary, questioning and searching relentlessly for reliable, true information.

Finally, the vote, as the pillar of the democracy, is the instrument to change the Brazilian political reality into a better one. Next October 7th, Brazilian citizens will have an opportunity to make every single vote counting, to build again one unified Nation, today segregated and divided.

Future case revisitation is encouraged, to follow the outcomes for the general elections 2018 as well as the future of Brazil.

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