

# Inequality of opportunities. Inferences from feminine electoral financing in MS-Brazil in 2022.

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**Abstract.** The paper delves into the issue of insufficient female political representation in Brazil, a concern acknowledged both nationally and globally. It empirically examines the landscape of equal opportunities in financing female candidates during the 2022 elections in the state of Mato Grosso do Sul. The research investigates whether mechanisms designed to promote equal opportunities for female candidates fall short in practice. The hypothesis is that data cross-referencing will reveal the inadequacy of institutional policies, given the low number of female candidates and their limited success rate. The study relies on publicly available data and adopts a deductive methodology to analyze electoral statistics and financial data. The results highlight the stark underrepresentation of women in Brazilian politics. The research argues for the importance of the principle of equal opportunities in electoral competition and its constitutional grounding. It also discusses the impact of economic power on campaigns and the need for measures to ensure inclusive funding. The conclusion is that despite legal and constitutional provisions, there is a persistent gender disparity in political representation and financing.

**Keywords.** Equality of opportunities, feminine candidacies, electoral funding, brazilian election, empirical data.

## 1. Introduction

The notion that there is insufficient female political representation in Brazil (not to mention worldwide) has become virtually unquestionable and has already been denounced by countless academic papers and generally acknowledged in the current social and political *zeitgeist*, despite there still being a significant number of positions seeking to trivialize or even ignore this demand.

The present paper aims to confront these positions by empirically examining the landscape of equal opportunities regarding the financing of female candidates in the State of Mato Grosso do Sul in 2022. Furthermore, it seeks to answer the following research question: by cross-referencing financing data with other electoral statistics in the 2022 elections in Mato Grosso do Sul, is it possible to conclude that the mechanisms aiming to provide equal opportunities for female candidates are insufficient?

The hypothesis is that the data cross-referencing will indicate the insufficiency of institutional policies designed to uphold the constitutional principle of equal opportunities, given the low number of female candidates and their low success rate.

It is important to clarify that the analyses intended to be conducted mostly depend on publicly available data compiled and provided by institutions such as the Superior Electoral Court. In most cases, candidates and other categories of analysis are divided into "female" and "male," without specifying transgender or non-binary candidates; just to mention some examples. Therefore, given the research focus, the study will be limited to addressing the issue of financing for female candidates, without any intention to contribute to the invisibility of other vulnerable groups.

## 2. Research methods

To achieve the goal of the research a deductive

methodology will be employed. First, the premise of low female political representation will be established, followed by the premise that the principle of equal opportunities entails providing financing instruments that benefit these candidates. Based on these premises and through the analysis of data within the context of the 2022 elections in the State of Mato Grosso do Sul, it is expected to draw comparative conclusions that address the hypothesis.

### 3. Results and discussion

#### 3.1 Low female political representation: a commonplace

In the words of Flávia Biroli, the low representation of women, which keeps Brazil among the countries with the highest levels of male overrepresentation in politics, is a premise "generic enough to be assumed from the outset" [1]. Indeed, even the most basic empirical assessments already demonstrate a clear picture of underrepresentation, which can be observed from different perspectives: from the relationship between the number of female voters and those who hold elected positions, but also through less obvious nuances, such as the treatment given by political parties to female members, gender-based political violence, and even media coverage.

The data supporting this perception are abundant: the electoral statistics from the Superior Electoral Court show that in 2022, the electorate was composed of 53% women [2]. In turn, in the election held that year, the number of elected women reached only 18% of the Chamber of Deputies [3]. According to the Inter-Parliamentary Union's database, in 2021, Brazil ranked 143rd out of more than 190 countries in terms of the percentage of women holding positions in the federal legislature [4].

It should be noted, on the other hand, that these deficits are not limited to the quantitative aspect of candidacies or even the electoral process in the strict sense. In fact, the research project by Luís Felipe Miguel and Flávia Biroli [5] confirmed the hypotheses that the presence and absence of women in the news are related to the specializations and asymmetries existing in the political field, and that gender stereotypes in the news constrain the political action of women.

In summary, empirical data collected from various perspectives confirm the widespread perception of deficient female representation. Evaluating the dimensions of democracy quality assessment developed by Diamond and Morlino, José Álvaro Moisés and Beatriz Rodrigues Sanchez conclude [6] that the low female representation significantly impacts the evaluation of Brazilian democracy: "the discrimination that excludes women from representative democracy, whether formal or informal, diminishes the quality of democracy and, in the case of Brazil, compromises the inclusion

required by the principle of political equality".

#### 3.2 From inequality of opportunities to representation deficits

Despite the evident disparity negatively affecting female candidacies, it is still possible to locate a convenient discourse of normalizing this scenario, as if the current slices of representation were simply justified by freedom in elections.

In general, this spirit is associated with a minimalist understanding of democracy as a political system that would be perfected through free electoral competition and some degree of protection of basic fundamental rights. This is the well-known Schumpeterian conception, in which democracy is conceived in market terms, with the vote being the product contested by different competitors [7].

This liberal theorization of democracy is, in fact, a shift "to designate the passive enjoyment of political safeguards rather than the active exercise of political power" [8]. That's why Ellen Wood calls liberal democracy an addition of democratic principles to the pre-democratic values of liberalism - constitutionalism and limited state power [9].

In turn, there is a diffuse demand for less cynical forms of understanding the political process and, consequently, for progress in terms of realizing inclusion values, so that these are not held hostage to the convenience of simple electoral competition, which by its very nature tends to potential abuses. This realization is demanded by the interpretation of fundamental norms with which political systems like the Brazilian one have constitutionally committed themselves. Oscar Sanchez Muñoz contributes to this proposal for effective realization through what he identifies as the principle of "equal opportunities in electoral competition" [10].

This involves reconciling the freedom of campaigning and election with equality among candidates, without which any competition is inherently flawed. According to the author, the principle implies that the state must observe parameters without which electoral competition achieves only formal equality. These parameters prescribe both limiting abusive influence by certain competitors and encouraging less advantaged alternatives.

In its negative dimension, it would be up to the state, through legislation, to prohibit competitors from gaining unfair advantages derived from factors considered "irrelevant" to electoral competition. In the positive dimension, compensatory measures should be implemented to combat these unfair inequalities. In both cases, these measures must encompass economic, media, and political dimensions.

In the Brazilian legal system, the principle of equality of opportunities has been elevated to the status of a

constitutional principle. This incorporation is compatible with the other "structuring principles of electoral law," as named by Eneida Desiree Salgado [11], such as authenticity, pluralism, and the value of popular sovereignty.

Economic power, on the other hand, has a particularly significant impact on electoral campaigns. Its limitation is reflected in the Brazilian electoral procedure through various provisions, such as spending limits, financing limits, the need for financial reporting, prohibition of certain expensive forms of propaganda, and chronological limitations on campaigns.

From the perspective of the positive dimension, the principle focuses on compensatory measures aimed at establishing inclusive funding logic for candidates and parties, which do not submit to the market-driven logic of competition or remain entirely at the discretion of those responsible for their distribution. Notably, the Party Fund, for financing political parties, and the Special Campaign Financing Fund for electoral campaigns, are mentioned.

Interestingly, the criterion used by Brazilian legislation in the distribution of the Special Fund, according to Article 16-D of the Elections Law, was to link it to the proportion of representatives in the Chamber of Deputies. While explained by the notion of equitable representation, this ends up contributing to a phenomenon of maintaining those who already hold power. The same can be said about the Party Fund, accessible based on electoral success, as stipulated by Article 17, § 3 of the Constitution.

These criteria appear to be incompatible with the principle of equal opportunities, as advocated by Muñoz: this option ends up converting a tool designed to encourage competition on economically equal terms into a potential catalyst for inequality by promoting the consolidation of certain actors who already have advantages. Muñoz himself considers it disproportionate to condition access to financing solely on the number of representatives, limiting the beneficiaries.

In parallel with legislative enactments, there are also recognitions of the principle's applicability derived from the judicial route. Particularly, in relation to women's rights, in Direct Action of Unconstitutionality No. 5617/DF, the Brazilian Supreme Federal Court deemed it mandatory to allocate a minimum of 30% of the Party Fund and the Special Campaign Fund resources to finance female candidates in both majoritarian and proportional elections, with even higher financing for female candidates in proportion [12].

The next section aims to cross-reference this data to specifically examine the financing situation of female campaigns in the 2022 elections in the state of Mato Grosso do Sul.

### 3.3 Female voters and elected officials in

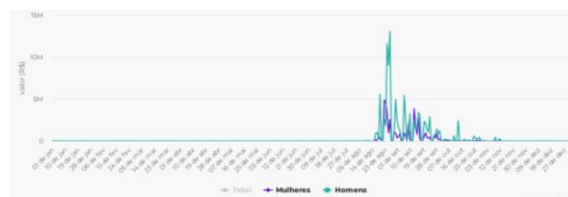
## Mato Grosso do Sul: crossing gender-based statistical data

Firstly, based on the Electoral Court data regarding the electorate's profile, out of the 1,996,510 voters in the state of Mato Grosso do Sul, 52% were women (1,047,064). Among the 298,094 people affiliated with political parties, the percentage of women is 48% (139,229). However, the number of female candidates significantly drops compared to the total: out of the universe of 594 candidates for positions such as state and federal deputies, senators, governors, and vice-governors, the number of female candidates was 201 - 34%.

What can be observed - confirming the deficits addressed in the previous section and the perception of the obstacles causing them - is that the female share in political representation decreases as the electoral process "advances." It is evident that one should not necessarily expect the percentage of female voters, party members, and candidates to be directly proportional to the literal numbers of women in the state. Nevertheless, it is noteworthy that each stage of the electoral process inaugurates a new reduction in the share of female representatives.

Considering that mandatory party affiliation is a constitutional eligibility requirement in Brazil, this points to political parties as contributors to the decrease in female representation. Given that the party system in Brazil also influences the dynamics of electoral financing, it is also of interest to evaluate the financial aspects of candidacies in the Mato Grosso do Sul scenario, with a gender perspective. In this regard, data from the "72 horas" platform, which obtains information from the Superior Electoral Tribunal's "DivulgaCand" system, are adopted.

The platform's data [13] demonstrate a significant discrepancy in the financing of male (green) and female (purple) candidacies in the 2022 elections:

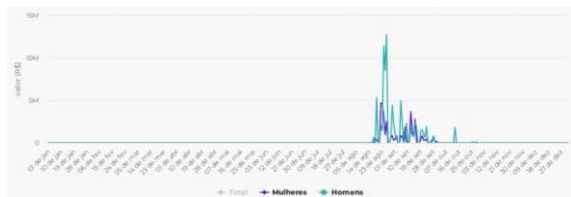


**Fig. 1** - Transfers made to male (green) and female (purple) candidacies.

On the one hand, this difference in treatment was expected, but it can be noted that the chronological distribution of resources also significantly favors male candidates, who received a significant peak of financial contributions at the beginning of the electoral process, while female candidates, in addition to receiving reduced distribution, received contributions in a distributed manner.

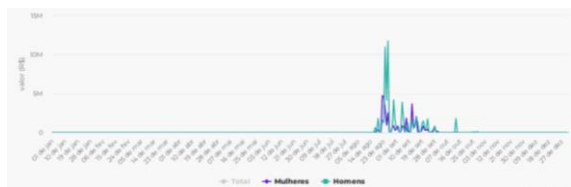
Isolating resources of public origin - from the party fund and the special campaign financing fund - yields

a similar result, to the point where an inescapable dependence on public resources for the analyzed campaigns is demonstrated:

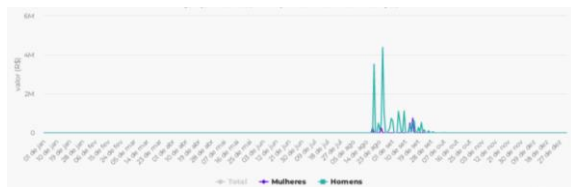


**Fig. 2** - Transfers made to male (green) and female (purple) candidacies from public funds.

Among the values coming from public financing sources, the 411 beneficiary candidacies received a total of R\$ 114,375,189.00, while the 156 female candidacies benefited from only R\$ 35,986,922.00. Interestingly, funding through the party fund and the special fund was slightly higher in favor of first-time female candidates, rather than those seeking re-election, as shown in the following graphs, respectively:



**Fig. 3** - Transfers made to male (green) and female (purple) first-time candidacies from public funds.



**Fig. 4** - Transfers made to male (green) and female (purple) seeking re-election candidacies from public funds.

Regarding those elected, the only Senate seat was filled by a female candidacy; the eight seats in the Chamber of Deputies were filled by a single elected woman; and only two out of 24 seats in the State Legislative Assembly were obtained by women. The election for the state government was also won by a male ticket. Furthermore, out of a universe of 35 seats, only 4 women were elected, which implies slightly more than 11% of victorious women.

The assessment of the results confirms the gradual decrease in the proportional number of female candidacies throughout the electoral process and the low representation corresponding to this. Furthermore, the empirical data not only confirm the findings of the previous section regarding insufficient representation of this gender but also demonstrate that this low performance cannot be considered "natural" as a mere result of voter preferences. Indeed, there is a proportional

reduction in opportunities and, in the case of financing, incentives for the success of female candidacies.

In summary, what is observed is that the principle of equal opportunities, although adopted by Brazilian legislation and incorporated through legal and judicial measures, is simultaneously not effectively consolidated (neglecting relevant structures in terms of inequality among competitors) and sometimes adopts criteria that contribute to maintaining the status quo, distorting the very logic announced by its axiological charge.

## 4. Conclusions

At this point, returning to the initial considerations, it is evident that the perceptions of low female representation are undeniable, widespread, and substantiated by empirical data from various analytical approaches. Unfortunately, this realization was already expected.

More specifically, this research aims to examine, within a specific analytical context - the 2022 elections in Mato Grosso do Sul - what cross-referencing financing data with other electoral statistics would reveal regarding gender equality.

It is evident in this regard that, despite the undeniable incorporation of the principle and its consolidation through a series of legal financing measures, the sample universe adopted not only proves that the measures have been ineffective but also that they are perverted in situations that end up promoting inequality.

From this data, it is concluded not only that the required standards of equal opportunities are not fully met, emphasizing the need for legislative (or even judicial) reform of electoral financing instruments to align them with the inequality scenario demonstrated by empirical data.

Until these measures are adopted, the inequality of opportunities and the severely deficient female political representation continue to be the norm in most elections, an institutionalized rule that was once denied by the simple idea of free electoral competition but is now relativized by the existence of mechanisms (such as financing) that are merely formal and statistically ineffective.

## 5. Acknowledgement

The research received contribution from the International Relations Office of the State University of Northern Paraná.

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