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“Voter”

Treatment

By Jeff Arak

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Background

Over six million Americans are denied the right to vote due to a past criminal conviction. Only two states – Maine and Vermont – guarantee the right to vote for all citizens, regardless of their criminal history.

In New Jersey, over 100,000 people are affected because they are either incarcerated, on parole or on probation. They have no say in who represents them or in what laws are enacted in their communities, although they are counted in the state census, and in the cases of parole and probation, pay taxes and participate in daily life like any other citizen.

New Jersey has the highest black to white incarceration disparity in the country. 50% of those who can't vote due to a criminal conviction are black, though black New Jerseyans make up only 15% of the state's population. Advocates argue that a discriminatory criminal justice system should not be used to determine who can and cannot vote.

Some states in recently years have taken notable steps to restore voting rights to disenfranchised residents. In Virginia and New York, governors have used executive orders. In Florida, a ballot question last November triggered a constitutional amendment that restored the vote for over a million people.

Now, a new bill in New Jersey would re-enfranchise all 100,000 affected citizens, including 19,000 currently serving time in prison. The bill is controversial because it touches on many emotional issues for both advocates and opponents: justice and punishment, rehabilitation and redemption, racial inequality and civil rights.

Many of the advocates that have been pushing the bill forward as well as generally advocating for re-enfranchisement in New Jersey are themselves previously incarcerated and denied the right to vote.

Premise and style

At the heart of this film is a desire to cut to the core of this issue. Do we want to be a society that uses disenfranchisement to punish and deter crime? With our history of Jim Crow laws and black codes, can we trust a policy that disenfranchises black and brown citizens at wildly disproportionate rates? Is there popular support and political will for a policy that would serve the literal outlaws that live among us?

Voter seeks to wrestle with these questions and more by witnessing the battle over the vote in New Jersey through the experience of someone directly affected by the law.

The film employs a verité shooting style for dramatic observed moments, and interviews with stake-holders for context and background. In two scenes shot inside the New Jersey state house, full days of voting and debate are edited into short, crisp scenes that distill the essence of the conflict and support for the issue of voting rights.

Titles are employed sparingly to alert the audience to important facts and stakes as the film unfolds.

Synopsis:

Voter examines the personal impact of losing the right to vote through the story of Ron Pierce, a military veteran who served 30 years in a New Jersey prison and is now on parole. Ron is deeply committed to the fight for suffrage in his home state and speaks eloquently about the social isolation that disenfranchisement policies create by stripping rights from citizens.

“This law strikes at the very heart of what it means to be a human being,” Pierce told lawmakers at a state senate hearing earlier this year.

Pierce spent election day last year watching people enter polling places in northern New Jersey. As a volunteer with “Election Protection,” he let voters know that he could help resolve any problems they encountered with the voting process.

“I’m here to make sure that everyone who is eligible to vote has an opportunity to vote,” he said.

But after hours of standing in the rain with a clipboard and suffering the indignity of having to stand 100 feet from the portals of civic engagement that he so wished to enter, Pierce became weary and emotional.

“As much as I’m here, I can’t be here. I can’t be part,” he said. “And how much being part of the community was instilled in me by my father.... That really... wow, that bothers me now.”

Story structure

Act 1

Scene 1: An American flag and a “Vote Here” sign on a misty morning in Hoboken telegraph that it is election day. Ron Pierce, holding a clipboard, tells a voter that he is election monitor. He explains that he cannot vote due to his parole status, but that he wants to help make sure that the voting process works for those who are still allowed to vote. As the day unfolds, we see voters casting ballots and Pierce describes how his father instilled in him a deep respect for the right to vote.

Standing calmly in the rain, continuing his work, Pierce makes his dedication to the issue clear, and shows the audience that his dedication to the franchise comes from a deep well of belief.

He explains how his parents believed that voting was essential to democracy and how the vote allows you to change the government if it doesn't work for you. After cutting to black we see the title, *Voter*.

Scene 2: Pierce arrives at work at the New Jersey Institute of Social Justice (NJISJ), where he is a Democracy and Justice Fellow. He makes a passionate plea for the right to vote for all New Jerseyans on a press call with other members of the organization. Images of a rally and march organized by NJISJ show us the popular support that the issue has in New Jersey.

Ryan Haygood, the President of NJISJ, reiterates that Maine and Vermont are the only states in the country that do what New Jersey is trying to do. Assemblywoman Shavonda Sumter explains how the bill she is sponsoring would right a historic wrong in New Jersey.

Act 2

Scene 1: Through a news clip from the show "Democracy Now", we see two opposing views on prisoners voting, made by Bernie Sanders and Pete Buttigieg in early 2019.

Scene 2: Pierce arrives at the New Jersey Legislature in Trenton, where a compromise bill has been drafted that excludes 19,000 prisoners, and instead seeks to re-enfranchise only people on parole and probation in the state. He explains why he has mixed feelings about the bill. Though it would give him the right to vote, it would leave many of his incarcerated friends behind – friends whom he promised not to forget.

Scene 3: Advocates testify for and against the bill in its current form, making compelling arguments for racial justice and civil rights. The Assembly Appropriations Committee cuts testimony short but votes to move the bill to the floor and is met with applause.

Scene 4: Advocates, talking afterwards in the hallway outside the committee room are disappointed that impacted people's voices are not being heard, and that those currently serving time would be excluded, should the bill become law.

Act 3

Scene 1: Back at the state house two weeks later, advocates watch as lawmakers debate the bill on the assembly floor. Shavonda Sumpter moves the bill for a vote and the bill passes. Pierce, sitting next to one of the bill sponsors, is allowed to push the button to vote for the bill.

Scene 2: Advocates celebrate, and Pierce reflects on how his father would be proud if he could have seen him push the voting button. After cutting to black we see the title once more: *Voter*, now with a new meaning.

Why now? Why this film? Why this filmmaker?

My interest in criminal justice and voting rights came from a dramatic experience I had working on a film about parole in Connecticut. The film was an observational exploration into parole and recidivism in a state that has a remarkable liberal take on post-incarceration supervision.

I spent a year and a half following ten people who were released from prison in Connecticut as they tried to find work and housing, kick long-term addictions and reconnect with family members that, in some cases, they hadn't seen in decades. It was a harrowing experience as only two of the ten were not re-incarcerated over the course of the year and a half we filmed.

I saw first-hand how the barriers to reintegration like mandatory programming, drug tests and punitive parole officers, limits to professional licensing and bans on public housing can stymie efforts to become self-sufficient again after years of being dependent on the state.

Nationally, according to the Bureau of Justice Statistics, three quarters of prisoners are arrested again within six years of being released.

Voting, as Ron Pierce, the protagonist of *Voter*, has told me, is “the tip of the spear.” With voting comes the power to change everything else. It is a multiplier right. Incarcerated voters in Maine and Vermont, as well as in most democratic nations, can weigh in on ballot initiatives, primary elections and decide who represents them in their local school districts, Sherriff's departments, state legislatures, in congress, and in the white house.

In the last twenty years, 28 states have opened up voting to different sections of their criminally convicted populations. Some have let those on parole and probation vote, while others have lifted bans on those with convictions in the past. But no state in the history of this country has taken the extraordinary step of re-enfranchising those currently incarcerated.

Both Maine and Vermont (the #1 and #2 whitest states in the country) have always allowed voting in prison. New Jersey would be the first racially diverse state to take the revolutionary step of overturning a ban on voting for prisoners.

If a bill for re-enfranchisement in New Jersey passes, it could be the first domino in a chain reaction that could drastically change the political and civic landscape of the U.S.