



**Robert (Bob) Bauer | Partner**

Firmwide Chair, Political Law Practice

Robert Bauer is the Chair of the Political Law Group of Perkins Coie LLP. In Bob's 30 years of practice, he has provided counseling and representation on matters involving regulation of political activity before the courts and administrative agencies of national party committees, candidates, political committees, individuals, federal officeholders, corporations and trade associations, and tax-exempt groups.

607 Fourteenth Street N.W.  
Washington, D.C. 20005-2003  
PHONE: 202.434.1602  
FAX: 202.434.1690  
RBauer@perkinscoie.com

**EDUCATION**

- University of Virginia  
School of Law, J.D., 1976
- Harvard University, B.A.,  
magna cum laude, 1973

**BAR ADMISSIONS**

- District of Columbia

Bob is the author of several books — *United States Federal Election Law* (1982, 1984), *Soft Money Hard Law: A Guide to the New Campaign Finance Law* (2002) and *More Soft Money Hard Law: The Second Edition of the Guide to the New Campaign Finance Law* (2004) — and numerous articles. He also serves on the National Advisory Board of *Journal of Law and Politics*. In 2000, he received the prestigious "Burton Award for Legal Achievement" for his legal writing. Bob is a 1976 graduate of the University of Virginia School of Law, where he was named Hardy Dillard Fellow in legal writing.

Bob is General Counsel to Obama for America and General Counsel to the Democratic National Committee, and he has been counsel for many years to the Democratic Senatorial and Congressional Campaign Committees. He has also served as co-counsel to the New Hampshire State Senate in the trial of Chief Justice David A. Brock (2000); general counsel to the Bill Bradley for President Committee (1999-2000); and counsel to the Democratic Leader in the trial of President William Jefferson Clinton (1999). He has co-authored numerous bipartisan reports, including "Report of Counsel to the Senate Rules and Administration Committee in the Matter of the United States Senate Seat From Louisiana" in the 105th Congress of the United States (March 27, 1997); "Campaign Finance Reform," A Report to the Majority Leader and Minority Leader of the United States Senate (March 6, 1990); and "The Presidential Election Process in the Philippines" (1986), a bipartisan report prepared at the request of the Chairman and Ranking Member of the U.S. Senate Committee on Foreign Relations. Bob is also the author of the Weblog, [www.moresoftmoneyhardlaw.com](http://www.moresoftmoneyhardlaw.com), on which he writes about campaign finance and other issues of interest to the political community.

**REPRESENTATIVE EXPERIENCE**

***Political Law***

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**Obama for America**

General Counsel to presidential campaign.

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**Bill Bradley for President**

General Counsel to 2000 presidential campaign.

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**Democratic Senatorial Campaign Committee**

Counsel to the Democratic Senatorial Campaign Committee.

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**Democratic Congressional Campaign Committee**

Counsel to the Democratic Congressional Campaign Committee.

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**Democratic National Committee**

National Counsel for Voter Protection, 2004.

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**Senator Barack Obama, FEC Advisory Opinion 2007-03**

Sought advisory opinion on solicitation and receipt of funds for general election while retaining eligibility for public funds if nominated.

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**EchoStar Satellite, LLC, FEC Advisory Opinion 2006-10**

Sought advisory opinion on treatment of public service announcements featuring federal candidate.

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**EMILY's List, FEC Advisory Opinion 2005-13**

Sought advisory opinion on treatment of proceeds from fundraising communications, and payment of those communications and voter drive expenses.

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**Kerrey for U.S. Senate, FEC Advisory Opinion 2001-9**

Sought advisory opinion on use of campaign funds for payment of media consulting expenses.

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**Bill Bradley for President, Inc., FEC Advisory Opinion 1999-9**

Sought advisory opinion on application of Presidential Primary Matching Payment Account Act to credit card contributions made through the Internet.

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**Cong. David Skaggs, FEC Advisory Opinion 1997-2**

Sought advisory opinion on use of campaign funds for travel expenses of Member and family to Bipartisan Congressional Retreat.

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**Democratic Senate Majority PAC, Matter Under Review 5343**

Represented client in successful dismissal of FEC complaint for alleged violation of BCRA's prohibition on raising non-federal funds.

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**FEC v. Wisconsin Right to Life**

U.S. Supreme Court

Amicus curiae brief filed on behalf of a coalition of public charities in support of Appellee, challenging the FEC's restrictions on "election communications."

551 U.S. 449 (2007)

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**Wisconsin Right to Life v. FEC**

U.S. Supreme Court

Amicus curiae brief filed on behalf of a coalition of public charities in support of Appellant, challenging the FEC's restrictions on "election communications."

546 U.S. 410 (2006)

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**Forrester v. New Jersey Democratic Party**

U.S. Supreme Court

Successfully opposed emergency application for stay regarding U.S. Senate election in New Jersey. 537 U.S. 803 (2002)

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**Colorado Republican Federal Campaign Committee v. FEC**

U.S. Supreme Court

Amicus curiae brief filed on behalf of the Democratic Senatorial and Congressional Campaign Committees in case involving political party spending. 518 U.S. 604 (1996)

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**Meng v. Schwartz**

U.S. Court of Appeals for the District of Columbia Circuit

Represented national political party committees in shareholder derivatives action in Washington D.C.

48 Fed. Appx. 1 (D.C. Cir. 2002)

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**Democratic Senatorial Campaign Committee v. FEC**

U.S. Court of Appeals for the District of Columbia Circuit

Represented national party committee in lawsuit to compel agency action. 139 F.3d 951, 329 U.S.App.D.C. 258 (1998)

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**Democratic Leadership Council v. U.S.**

U.S. District Court for the District of Columbia

In a leading case regarding section 501(c)(4) organizations and political activity, successfully contested IRS determination that issues advocacy by individuals associated with a political party was incompatible with the terms of a 501(c)(4) "social welfare" exemption. 542 F.Supp.2d 63 (D.D.C. 2008).

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**EMILY's List v. FEC**

U.S. Court of Appeals for the District of Columbia Circuit

Successfully represented the largest federal political action committee in its effort to strike down FEC regulations that impermissibly restricted fundraising and other communications on behalf of state and local candidates, in violation of the First Amendment. ----- F.3d ----- (D.C. Cir. 2009).

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**FEC v. Friends of Congresswoman Jane Harman**

U.S. District Court for the Central District of California

Defense of FEC enforcement action alleging illegal use of corporate resources to raise money for a candidate. 59 F. Supp. 2d 1046 (C.D. Cal. 1999)

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**Ohio Democratic Party v. FEC**

U.S. District Court for the District of Columbia

Challenge to FEC's allocation regulations for political party spending.

No. 98-0991 (D.D.C. June 25, 1998)

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**Democratic Leader Tom Daschle**

Served as Counsel to the Democratic Leader in the trial of President William Jefferson Clinton. Defended President Clinton and advised Members of Congress during the impeachment inquiry and Congressional hearings.

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**New Hampshire State Senate**

Served as Co-Counsel to the New Hampshire State Senate in the trial of Chief Justice David A. Brock.

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#### PROFESSIONAL RECOGNITION

- Listed as one of the "100 Most Influential Attorneys" by *National Law Journal*, 2006
- Listed in *Chambers USA*, "America's Leading Political Law Lawyers," 2006 - 2009
- Listed in *The Best Lawyers in America*
- Received the Burton Award for Legal Achievement, 2000
- Peer Review Rated AV in *Martindale-Hubbell*

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#### PROFESSIONAL LEADERSHIP

- American Bar Association, Advisory Commission on Election Law
- University of Virginia, *Journal of Law and Politics*, National Advisory Board
- *Election Law Journal*, Editorial Board

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#### SELECTED PUBLICATIONS

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January 2007 **"Burdening Voters"**  
Author, Article  
Los Angeles Daily Journal

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January 2007 **"A Second Look at the Ethics Rules: Planes, Tix and More"**  
Co-author, Article  
Roll Call

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January 2007 **"Preparing for New Ethics Rules: First Looks"**  
Co-author, Article  
Roll Call  
Co-authored with Jan Baran

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2007 **"The Law of Politics: The Role of Law in Advancing Democracy"**  
95 Geo. L.J. 1365 (2007)  
Concluding Remarks, Symposium

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September 26, 2006 **"Observing the Restricted Speech Zone"**  
Co-author, Article  
Roll Call  
Co-authored with Michael Toner

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September 2006 **"Justice Breyer's Leviathan: The Significance of 'Workable' Government in His Political Jurisprudence"**  
Author, Paper  
Annual Meeting of the American Political Science Association

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August 14, 2006 **"Creating Space for Speech on the Issues"**  
Co-author, Article  
Roll Call  
Co-authored with Laurence Gold

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August 8, 2006 **"More Money, More Rules"**

Co-author, Opinion

New York Times

Co-authored with Laurence Gold

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2006 **"Democracy as Problem Solving: Campaign Finance and Justice Breyer's Theory of 'Active Liberty'"**

Author, Article

60 U. Miami L. Rev. 237

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2006 **"A Report From the Field: Campaign Professionals on the First Election Cycle Under the Bipartisan Campaign Reform Act"**

Author, Article

5 Election L.J. 105

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2006 **"Review of Ernesto Laclau, On Populist Reason"**

Author, Article

13 Democratization 527

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2005 **"The McCain-Feingold Coordination Rules: The Ongoing Program to Keep Politics Under Control"**

Author, Article

32 Fordham Urb. L.J. 507

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2004 **More Soft Money Hard Law: The Second Edition of the Guide to the New Campaign Finance Law**

Author, Book

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2004 **"Undercutting Overbreadth: A Reply to Professor Foley"**

Author, Article

3 Election L.J. 3

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2004 **"When the 'Pols Make the Calls': McConnell's Theory of Judicial Deference in the Twilight of Buckley"**

Author, Article

153 U. Pa. L. Rev. 5

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2004 **"McConnell, Parties and the Decline of the Right of Association"**

Author, Article

3 Election L.J. 199

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2004 **"Concluding Comment on Professor Foley's Project"**

Author, Article

3 Election L.J. 19

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- 2003 **"'Horse Race' Coverage in Modern Presidential Campaigns: The Role of the Press in Post-Party Presidential Politics"**  
Author, Paper  
Centre D'Etudes et de Recherches Internationales Foundation  
Nationale des Sciences Politiques
- 
- 2002 **"In the Line of Fire: Liability of Federal Candidates and Officeholders Under the Bipartisan Campaign Reform Act of 2002"**  
Author, Article  
1 Election L.J. 531
- 
- 2002 **"Thoughts on the Democratic Basis for Restrictions on Judicial Campaign Speech"**  
Author, Article  
35 Ind. L. Rev. 747
- 
- March and July 2002 **Soft Money Hard Law: A Guide to the New Campaign Finance Law**  
Author, Book
- 
- 2002 **"Going Nowhere Slowly: The Long Struggle Over Campaign Finance Reform and Some Attempts at Explanation and Alternatives"**  
Author, Article  
51 Cath. U. L. Rev. 741
- 
- 1999 **"Technology Politics: The Experience of Television and the Internet's Future"**  
Author, Article  
Cyberspace Lawyer, Vol. 4, Nos. 9 & 10
- 
- 02.23.1998 **"Oral Argument Before the Press"**  
Co-Author, Article  
Legal Times
- 
- February 2, 1998 **"Political Resolution Needed for Charges Against the President"**  
Author, Article  
Roll Call
- 
- March 27, 1997 **Report of Counsel to the Senate Rules and Administration Committee in the Matter of the United States Senate Seat From Louisiana**  
Co-author  
105th Congress of the United States
- 
- 1996 **"Professional Ethics and the Concept of the 'Merits'"**  
Author, Article  
13 J. Applied Philosophy
- 
- January 11, 1996 **"Recipe for a Constricted Congress"**

	Author, Article The Washington Post
February 24, 1994	<b>"Pure Antipolitics"</b> Co-author, Article The Washington Post
1993	<b>"Law and Ethics in Political Life: Considering the Cranston Case"</b> Author, Article IX J.L. & Pol. 461
October 22, 1992	<b>"The Limits of Term Limits"</b> Author, Article The Wall Street Journal
December 14, 1992	<b>"Senate Ethics Panel Should Not Appoint an Outside Counsel"</b> Author, Article Roll Call
March 25, 1991	<b>"Between the Lines of the Keating 5 Case"</b> Author, Article Legal Times
March 6, 1990	<b>"Campaign Finance Reform"</b> Co-author A Report to the Majority Leader and Minority Leader of the United States Senate
1987	<b>"Ethics Laws and Rules in Politics"</b> Author, Article Federal Bar News and Journal
1986	<b>"The Presidential Election Process in the Philippines"</b> Co-author United States Senate Committee on Foreign Relations
1984	<b>"Counseling the Politically Active Corporation: Legal Uncertainties and Political Pressures"</b> Author, Article The Business Lawyer
1982, 1984	<b>United States Federal Election Law</b> Author, Book Oceana Publications

#### PAST EVENTS

09.24.2009 -	<b>Corporate Political Activities 2009:Complying</b>
09.25.2009	<b>with Campaign Finance, Lobbying &amp; Ethics Laws</b>

Speaking Engagement  
Renaissance Washington D.C. Hotel / Washington, D.C.

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05.05.2009 **9th Annual SuperConference**  
Speaking Engagement  
The Fairmont Chicago / Chicago, IL

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03.2009 **Preparing for Reinvigorated Regulation and White Collar Crime Enforcement in the Obama Administration: Priorities and Implications**  
Speaking Engagement  
Chicago, IL

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09.11.2008 **Corporate Political Activities 2008: Complying with Campaign Finance, Lobbying & Ethics Laws**  
Speaking Engagement  
Four Points by Sheraton Washington D.C. Downtown / Washington, D.C.

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11.16.2007 **Bob Bauer to Appear on "Justice Talking"**  
Speaking Engagement  
Chicago, IL

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11.14.2007 **The New Lobbying Law: A Sea Change for Lobbyists, Clients and Regulators**  
Speaking Engagement  
National Association of Home Builders / Washington, D.C.

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10.2007 **Practising Law Institute's Corporate Political Activities**  
Speaking Engagement  
Washington Hilton-D.C. / Washington, D.C.

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04.20.2006 **Not Just a Private Matter: The Purposes of Disclosure in an Expanded Regulatory System**  
Speaking Engagement  
Midwest Political Science Association National Conference / Chicago, IL

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02.16.2006 **Petition for Rulemaking on Electioneering Communication and Grassroots Lobbying Exemption**

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01.25.2006 **FEC hearing on the definition of "coordinated communications"**

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10.20.2005 **FEC hearing on the definition of "electioneering communications"**

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05.12.2005 **FEC hearing on rules governing candidate solicitation at state, district and local party**



## **fundraising events**

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04.20.2005 **U.S. House of Representatives Committee on Administration hearing on the regulation of 527 organizations**

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03.08.2005 **U.S. Senate Committee on Rules and Administration hearing on the regulation of 527 organizations**

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10.03.2003 **FEC hearing on proposed rules regarding candidate travel, multicandidate committee status, biennial contribution limits and mailing lists**

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03.20.2002 **FEC hearing on issues raised by a Notice of Proposed Rulemaking on the use of the Internet for campaign-related activity**

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02.24.2000 **Super Thursday: Meet the Presidential Candidates' Counsel**  
Speaking Engagement

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04.21.1999 **An Unholy Alliance of Law and Politics: The Impeachment of President Clinton**  
Speaking Engagement  
Board of Contract Appeals Judges Association

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1999-2000 **Ethics**  
Speaking Engagement  
Practising Law Institute