

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

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April 7, 2010

Former law allowed for amendment of the declaration with the written consent of 75 percent of the unit owners or a greater percentage if provided in the declaration. The law was changed to allow for amendment of the declaration with the written consent of at least two-thirds of the aggregate of the votes appurtenant to the units (since a unit may have more than one vote) or a greater percentage if provided in the declaration. The change did not apply to condos created before April 22, 1986, unless 75 percent of the unit owners, or a greater percentage if provided in the declaration, voted to amend the declaration in a different manner. Rather than try to sort out all of the possibilities, I provided that the declaration of a condo created before April 22, 1986, could be amended in the manner provided under current law, and that, if the declaration provided for a percentage greater than two-thirds, that provision would have to have been consented to after the effective date of the act. That way, the declaration of such a condo may be amended by the written consent of at least two-thirds of the aggregate of the votes appurtenant to the units, even if the declaration currently provides that it may be amended only by a greater percentage. Is this what you want?

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